



City of Springfield

Agenda

City Council

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

March 20, 2023

6:30 PM

City Council Chambers

[Rules and procedures.](#)

1. ROLL CALL.

2. APPROVAL OF MINUTES.

- 2.1. Approval of Minutes. March 6, 2023, City Council Meeting and March 7, 2023, Special City Council Meeting.

3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS.

CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.

4. CEREMONIAL MATTERS.

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

6. SECOND READING AND FINAL PASSAGE.

Citizens Have Spoken. May Be Voted On.

6.1. Council Bill 2023-034 (Horton). Tabled at the February 21, 2023 City Council Meeting.

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.4 acres of property generally located at 739 West Talmage Street from R-SF, Single-family residential district, to Planned Development No. 383; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Baptist Temple of Springfield; 739 W. Talmage St.; Planned Development No. 383.)

6.2. Council Bill 2023-056 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.71 acre of property generally located at 1018 North Farmer Avenue and 1622, 1628, and 1634 West Scott Street from R-SF, Single-Family Residential District, to R-TH, Residential Townhouse District, with Conditional Overlay District No. 222; establishing

Conditional Overlay District No. 222; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: RAL Property Management, LLC; 1018 North Farmer Avenue and 1622, 1628, and 1634 West Scott Street; Z-1-2023.)

6.3. Council Bill 2023-057 (Horton)

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 Troy Acres First Addition, generally located at 520 South Troy Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.) (By: Crawford-Mace, LLC; 520 South Troy Avenue; Preliminary Plat of Troy Acres, First Addition.)

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

7.1. Council Bill 2023-059 (McGull)

A resolution authorizing the City Manager, or his designee, to apply for federal pass-through grant funds in the amount of \$400,000, from the Missouri Department of Natural Resources Section 319 Nonpoint Source Pollution Grant Program, for the Westport Branch Green Infrastructure Project.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS.

10. GRANTS.

Citizens May Speak. May Be Voted On.

10.1. Council Bill 2023-060 (Schilling)

A special ordinance authorizing the City Manager, or his designee, to enter into a Municipal and Cost Apportionment First Supplemental Agreement with the Missouri Highways and Transportation Commission to share costs associated with improvements to the intersection of Missouri Highway 13 and Walnut Lawn Street; amending the Fiscal Year 2022-2023 budget for the Department of Public Works in the amount of \$450,885 to appropriate additional Surface Transportation Block Grant – Urban funds; and declaring that this Ordinance qualifies for approval in one reading.

10.2. Council Bill 2023-061 (Schilling)

A special ordinance authorizing the City Manager or his designee to enter into a Municipal and Cost Apportionment First Supplemental Agreement with the Missouri Highways and Transportation Commission to share costs associated with improvements to the intersection of Missouri Highway 13 and Sunset Street; amending the Fiscal Year 2022-2023 budget for the Department of Public Works to appropriate additional Surface Transportation Block Grant – Urban funds; and declaring this Ordinance qualifies for approval in one reading.

10.3. Council Bill 2023-062 (Schilling)

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Department of Natural Resources, for the purpose of

accepting state American Rescue Plan Act funds in the amount of \$608,000 to support construction of Stormwater Improvements Delmar Street and South Roanoke Avenue Project (2022PW0019); amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$608,000; and declaring this Ordinance qualifies for approval in one reading.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING.

Citizens May Speak. Not Anticipated To Be Voted On.

12.1. Council Bill 2023-063 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 14.8 acres of property generally located at 2238, 2250, and 2316 East Catalpa Street from R-TH, Residential Townhouse District, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 223; establishing Conditional Overlay District No. 223; and adopting an updated Official Zoning Map. (Staff is requesting this item be remanded to Planning and Zoning Commission.) (By: NGA Holdings, LLC; 2238, 2250, 2316 East Catalpa Street; Z-3-2023 w/COD #223.)

13. FIRST READING BILLS.

Citizens May Speak. Not Anticipated To Be Voted On.

13.1. Council Bill 2023-064 (Ollis)

A special ordinance authorizing a budget adjustment to amend the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$1,530,000 to appropriate fund balance reserves from the 1/4-cent Capital Improvement Sales Tax and the 1/8-cent Transportation Sales Tax to fund the design and right-of-way acquisition for six projects that have been awarded American Rescue Plan Act funds to be used for construction.

13.2. Council Bill 2023-065 (Horton)

A special ordinance amending the budget of the City of Springfield for Fiscal Year 2022-2023 in the amount of \$380,000 for the purpose of approving expenditures from the Commercial Street Tax Increment Financing Special Allocation Fund for certain public improvement projects within the Commercial Street Tax Increment Financing District; and amending the Capital Improvements Program to add the funded projects.

13.3. Council Bill 2023-066 (Hardinger)

A special ordinance authorizing the City Manager, or his designee, to execute Settlement Participation Forms from the National Opioids Settlement Administrator for the purpose of enlisting the City as a Participating Subdivision in additional settlements that are part of the national opioids litigation; and declaring an emergency pursuant to City Charter Section 2.12.

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

15. NEW BUSINESS.

Refer to the Committee of the Whole revision of City Code regarding marijuana and marijuana accessories possession and public use. 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.

16. UNFINISHED BUSINESS.

17. MISCELLANEOUS.

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

18.1. Council Bill 2023-067 (Lear)

A special ordinance authorizing the City Manager, or his designee, to accept pass-through federal grant funds from the Watershed Committee of the Ozarks, which received a Section 319 Nonpoint Source Grant from the Missouri Department of Natural Resources for the purpose of constructing stormwater green infrastructure projects; entering into an agreement with the Watershed Committee of the Ozarks; and amending the budget of the Department of Environmental Services for Fiscal Year 2022-2023 in the amount of \$40,000.

19. CONSENT AGENDA – ONE READING BILLS. See Item #3.

19.1. Council Bill 2023-068 (Hardinger)

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

19.2. Council Bill 2023-069 (Hosmer)

A resolution confirming the appointment of Amanda Ohlensehlen to the SGF Sports Community Improvement District Board of Directors. (Staff recommends approval.)

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

20.1. Council Bill 2023-058 (Horton)

A special ordinance authorizing the City Manager, or his designee, to accept a donation of \$45,000 from the Downtown Community Improvement District of Springfield, Missouri, to provide funds for additional on-street parking and improvements at the southeast corner of the intersection of Boonville and East Chestnut Street; and amending the budget for Fiscal Year 2022-2023 to appropriate the donation funds.

21. END OF CONSENT AGENDA.

22. ADJOURN.



City of Springfield

Minutes

City Council

Ken McClure, Mayor

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

March 6, 2023

6:30 PM

City Council Chambers
Historic City Hall
830 Boonville Avenue

1. ROLL CALL.

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

Mayor McClure welcomed the Evangel News Reporting Class to the City Council Meeting this evening.

2. APPROVAL OF MINUTES. (APPROVED AS PRESENTED)

2.1. Approval of Minutes. February 21, 2023, City Council Meeting and February 28, 2023, Special City Council Meeting.

Approval of Minutes. February 21, 2023, City Council Meeting and February 28, 2023, Special City Council Meeting.

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

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

FINALIZATION AND APPROVAL OF CONSENT AGENDAS.

Ms. Cotter noted a request was made to speak to Item 18.1, Council Bill 2023-057. This item will be removed from the Consent Agenda and will become Item 13.1 under First Reading Bills.

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

4. CEREMONIAL MATTERS.

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

Jason Gage, City Manager, provided an update.

Mr. Gage noted, in addition to the City Council races, the City of Springfield will have three measures on the April 4, 2023, municipal ballot. The first measure will ask Springfield voters whether to repeal the existing 5% hotel, motel, and tourist courts tax, and replace it with a licensing tax at the same 5% rate for hotels, motels, and tourist courts, with the addition of short-term rentals (Airbnbs, Vrbos). The remaining two measures on the ballot will be amendments to Springfield's City Charter: One for contracts and bidding, and the other for human resources and hiring. Details can be reviewed at springfieldmo.gov/election.

Mr. Gage noted Fire Station 13 at 1900 West College Street was placed into service this week. A ribbon cutting ceremony will be scheduled at a later date.

Mr. Gage noted the 76th Police Academy will graduate at 7:00 p.m. on March 17, 2023, at the East Sunshine Church of Christ.

Mr. Gage noted Chief Paul Williams provided City Council with a copy of the 2022 Springfield Police Annual Report.

Mr. Gage noted the City will announce plans for the 2023 Clean Green Springfield Initiative on Wednesday, March 15, 2023. This initiative offers clean-up and beautification opportunities throughout the city. In 2021, nearly 1,000 people joined the effort for litter pick up, planting, and stream cleaning. Details can be found at cleangreensgf.com and on KY3.

Mr. Gage noted the City is set to begin the final phase of Republic Road Widening beginning March 13, 2023. The widening will provide traffic capacity and safety improvements along one of the busiest retail corridors in Springfield. The project is designed to improve traffic flow on Campbell Avenue, Republic Road, and James River Freeway. The Republic Road widening Phases 4 & 5 will expand the roadway to five lanes between the traffic signal at Chase (Fairview Avenue) and the intersection of Campbell Avenue and Republic Road. He added improvements will include Americans with Disabilities Act compliant sidewalk upgrades, bike lanes, and traffic signal upgrades. Construction will also extend north on Campbell Street to improve stormwater and utility infrastructure. Mr. Gage further noted various lane closures will

be limited to overnight hours in an effort to minimize traffic impacts during the day. At least one lane of traffic flow in all directions is expected to be maintained at all times.

Mayor McClure acknowledged his support for the Clean Green effort.

Councilman Ollis asked if there is an update from MoDOT regarding work being done on Sunshine Street from Highway 65 to Glenstone Avenue. Mr. Gage responded a meeting is forthcoming and information will be provided to City Council after that meeting. Councilman Ollis expressed his belief the proposed median may harm businesses because it will block any left-hand turns.

Councilman Hosmer asked if the City is still a member of the Chamber of Commerce. Mr. Gage responded affirmatively. Councilman Hosmer asked if the City has any input regarding endorsements from the Chamber of Commerce. Mr. Gage responded that the City does not get involved in these activities. Councilman Hosmer expressed his belief it is important to understand the criteria for endorsement to make sure it aligns with the values of the City. Councilman Hosmer asked for copies of the Chamber of Commerce Agendas from the Growth and Development meetings the City attends. Mr. Gage responded that copies of the agendas could be obtained from staff.

6. SECOND READING AND FINAL PASSAGE.

Citizens Have Spoken. May Be Voted On.

6.1. Council Bill 2023-048 (Simpson) **ORDINANCE 27810**

A special ordinance amending the budget of the Springfield Art Museum for Fiscal Year 2022-2023 in the amount of \$200,000 to appropriate funds from the Art Museum Special Project Fund for the acquisition of an outdoor sculpture.

Mayor Pro Tem Simpson expressed his support for the proposed. He commended the Art Museum for the improvements which are in line with the Master Plan.

Council Bill 2023-048 (Simpson) was approved by the following vote: Ayes: Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, Ollis, and McClure. Nays: None. Absent: Lear. Abstain: None.

6.2. Council Bill 2023-049 (Hosmer) **ORDINANCE 6780**

A general ordinance amending the Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' relating to classifications and salary grades for various job titles within the City service as contained in the Professional, Administrative, and Technical Non-Union Schedule by adding seven (7) new job titles and deleting four (4) job titles; and the Professional, Administrative, and Technical IBEW Union Schedule by adding two (2) job titles; amending the Fiscal Year 2022-2023 budget to adjust the authorized employee positions by adding seven (7) new Full Time Equivalent positions to the Environmental Services Department; and establishing two new Occupational Series Groups, one for the Veterinarian position and one for Labor and Employee Relations positions, both with associated Occupational Series market pay adjustments.

Council Bill 2023-049 (Hosmer) was approved by the following vote: Ayes: Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, Ollis, and McClure. Nays: None. Absent: Lear. Abstain: None.

6.3. Council Bill 2023-050 (Lear) **ORDINANCE 27811**

A special ordinance authorizing and directing the issuance, sale and delivery by the City of Springfield, Missouri, of Special Obligation Improvement Bonds, Series 2023, in a principal amount not to exceed \$15,500,000 for the purpose of providing funds to pay costs related to improvements to Historic City Hall, the City's animal shelter and Public Works operations building, and certain fire stations; amending the Fiscal Year 2022-2023 budget of the City in the amount of \$15,500,000; authorizing and approving certain documents in connection with the issuance of the Bonds; authorizing certain other documents and actions in connection therewith; and declaring an emergency.

Council Bill 2023-050 (Lear) was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Hardinger, and McClure. Nays: None. Absent: Lear. Abstain: None.

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

7.1. Council Bill 2023-052 (Schilling) **RESOLUTION 10690**

A resolution declaring the intent of the City of Springfield to annex approximately 9.2 acres of private property generally located at 3444 West Sunshine Street and 3503 West Washita Street, and approximately 0.14 acre of Greene County right-of-way generally located at 1900 South Farm Road 133 (Moore Road), referenced as Annexation A-2-2023, into the City. (Staff recommends approval.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the owners have requested voluntary annexation. The proposed is the first step which declares the intent to annex. Ms. Istenes further noted the proposed is within the City's service boundary and is contiguous and compact to the City, and the applicant will seek rezoning to Highway Commercial District with conditional overlay.

Councilman Schilling asked the intention of the developer. Ms. Istenes noted the intention is to use the property for retail use.

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

Council Bill 2023-052 was approved by the following vote: Ayes: McGull, Schilling, Simpson, Hosmer, Ollis, Hardinger, Horton, and McClure. Nays: None. Absent: Lear. Abstain: None.

7.2. Council Bill 2023-053 (McGull) **RESOLUTION 10691**

A resolution declaring the intent of the City of Springfield to annex approximately 1 acre of private property generally located at 3710 and 3742 East Cherry Street, and approximately 0.1 acre of Greene County right-of-way generally located at the 600 block of South Hickory Avenue, referenced as Annexation A-3-2023, into the City. (Staff recommends approval.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would declare the intent to annex approximately 0.1 acre of property. The owners have requested voluntary annexation.

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

Councilman Hosmer asked where the county line is in regards to the proposed annexation. Ms. Istenes responded that the location is an isolated area which is surrounded by property that is already in the City.

Councilman Ollis asked why the proposed area is not already within the city boundary. Ms. Istenes responded the proposed area was a leftover piece of property from a Greene County right-of-way project. Mr. Gage acknowledged the proposed area is a hold over item.

Council Bill 2023-053 was approved by the following vote: Ayes: Schilling, Simpson, Hosmer, Ollis, Hardinger, Horton, McGull, and McClure. Nays: None. Absent: Lear. Abstain: None.

7.3. Council Bill 2023-054 (Hardinger) **RESOLUTION 10692**

A resolution initiating amendments to the Springfield Land Development Code, Article III, 'Zoning Regulations,' for the purpose of authorizing City Council to add, modify, or delete conditions to a Conditional Use Permit.

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow City Council to add, delete, or modify conditions to a Conditional Use Permit when it comes before City Council. The proposed is the first step and would initiate the process to create the Code change. She further noted the proposed change would then be presented to the Planning and Zoning Commission and, ultimately return to City Council for a final vote.

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

Council Bill 2023-054 was approved by the following vote: Ayes: Simpson, Hosmer, Ollis, Hardinger, Horton, McGull, Schilling, and McClure. Nays: None. Absent: Lear. Abstain: None.

7.4. Council Bill 2023-055 (Schilling) **RESOLUTION 10693**

A resolution approving the use of funds from the 1/4-Cent Capital Improvement Sales Tax Minor Neighborhood Improvement Program in the amount of \$87,389 for improvements to enhance pedestrian safety, sight distance for vehicles, and provide traffic calming at the intersection of Mount Vernon and Broadway (Zone 3).

Brett Foster, Professional Engineer, provided a brief overview of the proposed. Mr. Foster noted concerns were received from citizens in the area stating that buildings are in the line-of-sight creating issues, and a number of accidents have occurred at the site on Mount Vernon Street. There is also a history of speeding on this stretch of road. He further noted sidewalk connections, lane narrowing, and new striping would be implemented to improve the area.

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

Councilman Schilling noted a concern he received from a citizen in the area. He expressed his belief the proposed will help the area.

Council Bill 2023-055 was approved by the following vote: Ayes: Hosmer, Ollis, Hardinger, Horton, McGull, Schilling, Simpson, and McClure. Nays: None. Absent: Lear. Abstain: None.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS.

10. GRANTS.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING. It is anticipated that City Council will vote on this bill at the March 20, 2023, City Council Meeting.

Citizens May Speak. Not Anticipated To Be Voted On.

12.1. Council Bill 2023-056 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.71 acre of property generally located at 1018 North Farmer Avenue and 1622, 1628, and 1634 West Scott Street from R-SF, Single-Family Residential District, to R-TH, Residential Townhouse District, with Conditional Overlay District No. 222; establishing Conditional Overlay District No. 222; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: RAL Property Management, LLC; 1018 North Farmer Avenue and 1622, 1628, and 1634 West Scott Street; Z-1-2023.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow rezoning of approximately .71 acre from Single-Family Residential District to Residential Townhouse District with overlay. The applicant plans to build duplexes and will follow affordable housing guidelines.

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

13. FIRST READING BILLS. It is anticipated that City Council will vote on this bill at the March 20, 2023, City Council Meeting.

13.1. Council Bill 2023-057 (Horton) (Item number 18.1, Council Bill 2023-057, from Consent Agenda First Reading Bills became item number 13.1 under First Reading Bills.)

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 Troy Acres First Addition, generally located at 520 South Troy Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.) (By: Crawford-Mace, LLC; 520 South Troy Avenue; Preliminary Plat of Troy Acres, First Addition.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed is a six-lot residential subdivision with 1.13 acres of vacant land. She further noted the property is zoned for residential single-family land use. Ms. Istenes added the property was first subdivided in 2019, but the request expired in 2020. Ms. Istenes noted the proposed meets the minimum requirements of subdivision regulations. She

further noted the role of City Council is for the acceptance of public streets and easements.

An opportunity was given for citizens to express their views.

Lee J. Viorel spoke in opposition to the proposed. Mr. Viorel noted he is a representative of Mr. Moore at 421 South Troy Avenue, as well as 33 land owners that had previously provided a memo to City Council. They are asking that further conditions be placed on the proposed streets and easements would have the developer, or the City, install curbs and gutters. He further noted neighbors are asking for no on-street parking due to the narrowness of the street and sidewalks be added. Mr. Viorel added that City Utilities is requesting a ten-foot easement, and a 10% depth has to be used for water detention.

Councilman Hosmer asked the width of a normal city street. Dan Smith, Director of Public Works, responded that a city street has approximately 27 feet from curb-to-curb, or 24 feet of asphalt. Councilman Hosmer asked if developers are required to build sidewalks. Mr. Smith responded he would review the specific question with staff and bring that forward at the next meeting.

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

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

14.1. Daryl Baker did not appear to address City Council.

14.2 Jeanie Sullivan addressed City Council regarding trash along the roads from vehicles going to the landfill. She expressed her belief the laws should be more strict regarding loads being tarped properly to prevent trash from coming out of the vehicles along the highway. Ms. Sullivan suggested penalties for loads that are not properly tarped.

Councilman Hosmer thanked Ms. Sullivan for coming to the meeting. He noted it is the responsibility of City Council and the City to ensure laws are in place and enforced.

Mr. Gage responded the City is reviewing the tarp law and wants to ensure the language regarding tarp laws is correct. He agreed it is important to look at the source, which includes commercial and personal vehicles. Mr. Gage noted the contact for concerns would be the City Manager's office.

Mayor Pro Tem Simpson asked if there is a way to capture expenses for tipping fees. Mr. Gage responded this may have to go to a City Council Committee for review.

Councilman Schilling thanked Ms. Sullivan for attending. He responded it is important to enforce the law in regards to the trash problem. Ms. Sullivan noted she speaks to others about the trash and would like the laws to be enforced and expressed her belief that trash along the highways is a safety concern.

Councilman Ollis thanked Ms. Sullivan for speaking. He noted he had noticed an increase in the amount and type of trash. He expressed his belief more should be done to solve the problem and a long-term solution is needed.

Ms. Sullivan suggested having prisoners or those doing community service pick up the trash as part of their service. She also suggested a tax credit for citizens who volunteer to pick up trash.

Councilwoman Horton expressed her belief the requirement for the use and the quality of tarps should be improved.

15. NEW BUSINESS.

16. UNFINISHED BUSINESS.

17. MISCELLANEOUS.

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

- 18.1. Council Bill 2023-057 (Horton) (Item number 18.1, Council Bill 2023-057, became item 13.1 under First Reading Bills.)

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 Troy Acres First Addition, generally located at 520 South Troy Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.) (By: Crawford-Mace, LLC; 520 South Troy Avenue; Preliminary Plat of Troy Acres, First Addition.)

- 18.2. Council Bill 2023-058 (Horton) **It is anticipated that City Council will vote on this bill at the March 20, 2023, City Council Meeting.**

A special ordinance authorizing the City Manager, or his designee, to accept a donation of \$45,000 from the Downtown Community Improvement District of Springfield, Missouri, to provide funds for additional on-street parking and improvements at the southeast corner of the intersection of Boonville and East Chestnut Street; and amending the budget for Fiscal Year 2022-2023 to appropriate the donation funds.

19. CONSENT AGENDA – ONE READING BILLS.

20. CONSENT AGENDA – SECOND READING BILLS.

21. END OF CONSENT AGENDA.

22. ADJOURN.

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

**March 7, 2023
Springfield, Missouri**

The City Council met in special session on March 7, 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: Mike Schilling, Matt Simpson, Craig Hosmer, Heather Hardinger, Monica Horton, Abe McGull, and Ken McClure. Absent: Richard Ollis and Andrew 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 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, Hardinger, Horton, McGull, Schilling, and McClure. Nays: None. Abstain: None. Absent: Ollis and Lear.

Prepared by
Michelle Brown

Anita J. Cotter, CMC/MRCC
City Clerk

EXPLANATION TO COUNCIL BILL 2023-034 (HORTON). TABLED AT THE FEBR

FILED: 03/07/2023

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.4 acres of property generally located at 739 West Talmage Street from R-SF, Single-family residential district, to Planned Development No. 383; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Baptist Temple of Springfield; 739 W. Talmage St.; Planned Development No. 383.)

BACKGROUND INFORMATION: The applicant has requested to rezone the property from R-SF, Single-family residential district to Planned Development No. 383 to allow for the adaptive reuse of an existing nonresidential structure in a residential district – the Baptist Temple's unused gymnasium – as multifamily dwellings and for the development of detached single-family dwellings in an area of open space to the west of the Baptist Temple's principal structure.

Area A, containing the gymnasium structure, would contain a total of 33 dwelling units within a lot which is just over two acres in area, resulting in a density of 15.7 dwelling units per acre. All of the proposed multifamily dwelling units would be contained within the confines of the existing gymnasium, the interior of which would be remodeled to also include resident-exclusive amenities including storage, laundry facilities, and a fitness area. Area A would also provide certain outdoor amenities for its residents, including off-street parking, a playground, a dog park, a pavilion, and a grill.

Area B, comprised of the open space to the west of the Baptist Temple's principal structure, would contain a total of 22 detached single-family dwellings within a lot approximately four acres in area, resulting in a density of 5.1 dwelling units per acre. Area B would undergo the Major Subdivision process for the creation of a condominium plat, as each single-family home would be built within its own condominium unit. Outdoor amenities for Area B would include a dog park, a park bench, and a grill, situated near Area B's access to N. Missouri Drive.

Each dwelling unit in Area B would be served by private sewer extending from public facilities located near the property and would front on a private drive connecting from N. Missouri Drive through Area B to Area A, which would take access to W. Talmage Street. All private elements of the proposal would be the responsibility of a duly authorized property owners' association.

REMARKS: The Planning and Zoning Commission held a public hearing on January

12, 2023, and recommended to approve the proposed Planned Development No. 383, by a vote of 7 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Comprehensive Plan's Land Use & Development* chapter groups this area into the Traditional Neighborhood Future Placetype. This placetype is predominately comprised of single-family detached residential dwellings with generally uniform setbacks, building designs, and parcel sizes. Planning within this placetype is intended to improve the neighborhood's quality of place, which can be achieved through a number of strategies, including beautification efforts via streetscaping, increasing access and connections with nearby greenway or trail systems, and supporting low-intensity multifamily uses, low-intensity neighborhood commercial uses, or a mix of uses to serve area residents. Multifamily uses are meant to be located along higher classification roadways, near greenways or trails, or in areas identified by residents during the neighborhood planning process. The preservation of residential housing and housing patterns is meant to be prioritized where lots are predominately accessed from side or internal local streets. Furthermore, redevelopment efforts including higher-density housing or commercial uses are to be limited to areas adjacent to identified activity centers, where the redevelopment's anticipated traffic and circulation will not negatively affect the adjoining neighborhood.
2. The proposed Planned Development No. 383 is split into two parts, Areas A and B. Area A includes the adaptive reuse of the existing gymnasium along W. Talmage Street; the existing structure will remain and infill work will be completed to transform the interior into multifamily housing with both indoor and outdoor amenities for future residents, including an indoor fitness area and laundry facilities, as well as outdoor off-street parking, a playground, a dog park, a resident pavilion, and a grill. The applicant has proposed a total of 33 dwelling units within the existing structure, to include 16 efficiency units, 10 one-bedroom units, and seven two- to three-bedroom units. With an area of just over two acres, the density for Area A is approximately 15.7 dwelling units per acre, making the residential density comparable to that permitted by the R-LD, Low-density multifamily residential district, which caps its residential density to no more than 18 dwelling units per acre.
3. Area B, which is situated west and south of the Baptist Temple of Springfield's vehicular use area, will be developed to accommodate single-family detached dwellings, all of which will be included within an associated condominium plat, with each future home contained within an individual condominium unit. Area B will share the same outdoor amenities with Area A, listed above, and will connect to Area A via a private drive. The applicant has proposed a total of 22 single-family homes in Area A, spread across over four acres of land for a density of

5.1 dwelling units per acre. This density is below the maximum density permitted within the R-SF, Single-family residential district, which caps its residential density to no more than seven dwelling units per acre.

4. Combining the land area of both Areas A and B yields a total of 6.4 acres of land. Combining the dwelling unit subtotals of both Areas A and B results in a proposed total of 55 dwelling units. The resulting density for the entire development equals 8.6 dwelling units per acre, a density permitted within the R-TH, Residential townhouse district which caps its residential density to no more than 11 dwelling units per acre. For context, the least dense residential district, the R-SF, Single-family residential district, permits up to seven dwelling units per acre.
5. The proposed development will have two accesses to public right-of-way. The first will be taken from N. Missouri Avenue; the developer has agreed to complete public improvements to this dead-end street, from which Area B will take access. The second will be taken from W. Talmage Street, where an existing access drive is already located. Residents from either subarea of Planned Development No. 383 will be able to access public right-of-way via either access point.
6. Approval of this application will facilitate the development of this property and promote infill development where investments have already been made in public services and infrastructure.
7. The subject property has access to City Utilities' infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
8. The subject property has access to public sewer; each condominium unit will be served by private sewer which will not be maintained by the City of Springfield. Details regarding the private sewer will be further discussed via a final plat, the subdivision's future covenants, or both.
9. Public Works – Traffic has noted the need for additional right-of-way along N. Grant Avenue, a sidewalk requirement along both W. Talmage Street and N. Missouri Avenue, and a requirement for the extension of N. Missouri Avenue to the southern limits of the existing right-of-way, including the construction of an approved turn around. Based on their traffic counts, the proposed development is anticipated to generate one additional trip in each of the AM and PM peak hours, for a total of 93 additional trips generated daily.
10. The subject property is not currently served by stormwater infrastructure; however, in response to community and staff concerns regarding flooding in this area, the applicant has proposed stormwater detention up to 120% of the standard detention requirements. The detention areas will be located in the open space to the west of the existing gymnasium.
11. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.



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

Submitted By: Kyle McGinnis, Senior City Planner

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

Attachments:

1. Planned Development No. 383_ord
2. Exh A- Legal Description
3. Exh B- ROP
4. Exh C - map

One-rdg. _____
P. Hrngs. X
Pgs. 37
Filed: 01-31-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-034

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 6.4 acres of property generally located at 739 West Talmage Street
4 from R-SF, Single-family residential district, to Planned
5 Development No. 383; 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 739 West Talmage Street, and more fully described in "Exhibit A,"
12 from R-SF, Single-family residential district, to Planned Development No. 383; and
13

14 WHEREAS, following proper notice, a public hearing was held before the
15 Planning and Zoning Commission on January 12, 2023, a copy of the Record of
16 Proceedings from said public hearing being attached hereto and incorporated herein by
17 this reference as "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; and
21

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

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

28 Section 1 – The property described in "Exhibit A," which is attached hereto and
29 incorporated herein by this reference, is hereby rezoned from R-SF, Single-family
30 residential district, to Planned Development No. 383. Springfield Land Development
31 Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby
32 amended, changed, and modified consistent with this Ordinance.
33

34 Section 2 – The property described in “Exhibit A” of this Ordinance shall be
35 subject to the requirements and standards included in “Exhibit C – Attachment 1,” with
36 said “Exhibit C” being attached hereto and incorporated herein in its entirety by this
37 reference; and these requirements and standards shall govern and control the use and
38 development of the land in Planned Development No. 383.

39
40 Section 3 – City Council hereby directs the City Manager, or designee, to update
41 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
42 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
43 Springfield Land Development Code, Section 36-306, ‘Official zoning maps and rules of
44 interpretation.’

45
46 Section 4 – The Official Zoning Map herein adopted shall be maintained and
47 archived in the same digital form in which this Council has approved its adoption.

48
49 Section 5 – This Ordinance shall be in full force and effect from and after
50 passage.

51
52 Passed at meeting: _____

53
54
55 _____
56 Mayor

57 Attest: _____, City Clerk

58
59 Filed as Ordinance: _____

60
61
62 Approved as to form: Jill Bennis, Assistant City Attorney

63
64
65 Approved for Council action: Jason C. Hays, City Manager

EXHIBIT A

LEGAL DESCRIPTION
PLANNED DEVELOPMENT 383

TRACT 1:

A TRACT OF LAND BEING SITUATED IN PART OF THE N1/2 OF THE SE1/4 OF THE NW1/4 OF THE SE1/4 OF SECTION 2, TOWNSHIP 29 NORTH, RANGE 22 WEST, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE N1/2 OF THE SE1/4 OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 2; THENCE, N 88°17'47" W, ALONG THE SOUTH LINE OF THE SAID N1/2 OF THE SE1/4 OF THE NW1/4 OF THE SE1/4, A DISTANCE OF 30.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF GRANT AVENUE, SAID POINT BEING THE NEW POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTH LINE, N 88°17'47" W, A DISTANCE OF 627.42 FEET; THENCE, N 2°08'46" E, A DISTANCE OF 400.34 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF MISSOURI STREET; THENCE, S 87°26'24" E, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET, TO THE EASTERLY RIGHT-OF-WAY OF MISSOURI STREET; THENCE, N 2°33'36" E, ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 125.75 FEET, TO AN EXISTING IRON PIN MARKING THE SOUTHWEST CORNER OF BROADWAY ACRES SUBDIVISION, 2ND ADDITION; THENCE, S 88°44'09", ALONG THE SOUTH LINE OF SAID BROADWAY ACRES SUBDIVISION, A DISTANCE OF 247.96 FEET, TO THE SOUTHEAST CORNER OF LOT 29, OF SAID BROADWAY ACRES SUBDIVISION; THENCE, DEPARTING SAID SOUTH LINE, S 2°37'46" W, A DISTANCE OF 377.66 FEET; THENCE, S 88°17'47" E, A DISTANCE OF 358.03 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF GRANT AVENUE; THENCE, S 2°37'46" W, ALONG SAID WESTERLY RIGHT-OF-WAY, TO THE NEW POINT OF BEGINNING. CONTAINING 193,520.42 SQUARE FEET (4.44 ACRES), MORE OR LESS. SUBJECT TO ANY EASEMENTS, RESTRICTIONS, COVENANTS OR RESERVATIONS OF RECORD, IF ANY.

TRACT 2:

A TRACT OF LAND BEING SITUATED IN PART OF THE N1/2 OF THE SE1/4 OF THE NW1/4 OF THE SE1/4 OF SECTION 2, TOWNSHIP 29 NORTH, RANGE 22 WEST, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE N1/2 OF THE SE1/4 OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 2; THENCE, N 88°17'47" W, ALONG THE SOUTH LINE OF THE SAID N1/2 OF THE SE1/4 OF THE NW1/4 OF THE SE1/4, A DISTANCE OF 230.07 FEET, TO AN EXISTING IRON PIN MARKING THE NORTHWEST CORNER OF PARCEL OF LAND DESCRIBED IN DEED BOOK 2015, AT PAGE 021300, SAID IRON PIN BEING THE NEW POINT OF BEGINNING; THENCE, DEPARTING SAID SOUTH LINE, S 2°31'49" W, A DISTANCE OF 149.9

FEET, TO THE NORTHWEST CORNER OF LOT 4 OF MAX LYLE'S ADDITION;
THENCE, ALONG THE NORTH PROPERTY LINE OF SAID LOT 4, N 87°29'30" W, A
DISTANCE OF 59.41 FEET, TO THE NORTHEAST CORNER OF SAID LOT 4;
THENCE, ALONG THE WEST LINE OF SAID LOT 4, S 2°30'30" W, A DISTANCE OF
150.06 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 4, SAID CORNER
BEING SITUATED ON THE NORTHERLY RIGHT-OF-WAY OF TALMAGE STREET;
THENCE, ALONG SAID NORTHERLY RIGHT-OF-WAY, N 88°49'00" W, A DISTANCE
OF 177.09 FEET, TO THE SOUTHEAST CORNER OF LOT 3 OF SAID MAX LYLE'S
ADDITION; THENCE, DEPARTING SAID RIGHT-OF-WAY, AND ALONG THE EAST
LINE OF SAID LOT 3, N 2°30'30" E, A DISTANCE OF 150.06 FEET, TO THE
NORTHEAST CORNER OF SAID LOT 3; THENCE, ALONG THE NORTH LINE OF
MAX LYLE'S ADDITION, N 88°03'13" W, A DISTANCE OF 189.60 FEET, TO THE
NORTHWEST CORNER OF LOT 1 OF SAID MAX LYLE'S ADDITION; THENCE,
DEPARTING SAID NORTH LINE, N 2°02'59" E, A DISTANCE OF 149.99 FEET, TO A
POINT ON SAID SOUTH LINE OF THE N1/2 OF THE SE1/4 OF THE NW1/4 OF THE
SE1/4; THENCE, ALONG SAID SOUTH LINE, S 88°17'47" E, A DISTANCE OF 427.35
FEET, TO THE NEW POINT OF BEGINNING. CONTAINING 90,621.80 SQUARE
FEET (2.08 ACRES), MORE OR LESS.
SUBJECT TO ANY EASEMENTS, RESTRICTIONS, COVENANTS OR
RESERVATIONS OF RECORD, IF ANY.

EXHIBIT B

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

Planned Development 383
739 West Talmage Street
Applicant: Baptist Temple of Springfield

Mr. McGinnis stated that this is a request to rezone approximately 6.4 acres of property generally located at 739 W. Talmage Street from R-SF, Single-family residential district to Planned Development No. 383.

Mr. Chad Zickefoose, Public Works/Traffic went over updated traffic generated trip numbers that were shown in the staff report and clarified that the numbers shown are based on zoning for high density residential and not what is being proposed.

Mr. Knuckles asked about a privacy fence between the gym and driveway. Mr. McGinnis believes that it will have a privacy fence.

Mr. Knuckles asked about maintenance (HOA responsibility) and what would happen if they defaulted (dissolved) for maintenance.

Ms. Burris noted that the City has a provision for common areas and are required to approve the covenants and restrictions and would also need the city's approval to dissolve. City would possibly takeover and pass a lien on the property.

Mr. Hosmer noted that it is mentioned in the staff report about legal requirements for the HOA.

Mr. Joe Codichini, Public Works/Stormwater, went over what the process the city would do if the association was dissolved regarding maintenance.

Mr. Knuckles asked about the gym being built to two floors. Mr. McGinnis noted that it will be interior renovation only.

Mr. Pauly asked about the gym interior and what happens with the infill and Mr. McGinnis noted that the developer can answer that question.

Mr. Pauly asked about Area B and what is the max square footage of a dwelling allowed and Mr. McGinnis noted the setbacks and should be able to calculate the number and can get back with you.

Ms. Gunther asked if any of the facilities are open to the public? Mr. McGinnis noted that it is for the residents.

Mr. Britton asked about North Missouri Avenue and if the improvements are based on approval of this project. Mr. McGinnis said that it was dependent on the project going forward.

Mr. Jobe opened the public hearing.

Mr. Mike Stalzer, 1658 W. Riverside that the infill (gym) will be 2 stories within the building.

Mr. Pauly asked what will be there and Mr. Stalzer said it would be units.

Mr. Pauly asked if it would fit within the neighborhood and Mr. Stalzer said the renovations would intel new roof and with widows and siding.

Mr. Pauly asked about area B and if it would fit with neighborhood and Mr. Stalzer said it would fit in based on 1960 era ranch style homes with rentals and owner occupied.

Mr. Colony asked if it would be a gated community and Mr. Stalzer said that there is no intent to be gated at the time but will be monitored by the HOA.

Mr. Chad Ray, 2717 N. Missouri Avenue and stated that this will affect the neighborhood values and opposes the project and questioned on the funding of HOA and has concerns regarding traffic.

Mr. Colony asked if he was opposed to the single-family aspect, but Mr. Ray said that he is not supportive of either areas A and B.

Mr. Jobe asked Mr. Ray if he is part of a group/organization and Mr. Ray said he is not part of a concerned group/organization.

Ms. Laurie Brotherton, 2708 N. Broadway voiced her concern for the traffic and directly in front of a school, she also noted that Missouri would be a dead-end and questioned where the traffic will go. She also mentioned stormwater problems (backs up into her property) and has no sidewalks and believes it would be an extra hazard.

Mr. Jobe closed the public hearing.

Mr. Colony asked if she has worked with the developer, and she said they had met at the neighborhood meeting.

Mr. Knuckles asked about stormwater and Mr. Codichini stated that stormwater has had service requests for flooding in the area so they recommended the 120% detention, and the owner has agreed, and it will put into the Planned Development, helping alleviate some of the flooding and will not make it any worse. He went over what will be required by the city regarding the water flow and erosion and stated that the water quality basins will have to be built before any permits are issued. He also described what sheet flow is being proposed.

Ms. Broekhoven asked about the process going forward (preliminary plat, final development plan, etc.). Mr. Hosmer said they would have to have a preliminary plat and then a final development plan.

Mr. Colony noted about detention and the sheet flow and if they can have any higher flow then what is current, and Mr. Codichini stated that they cannot have a higher flow. Mr. Colony also noted about the protecting large open spaces and would encourage that the developer work with neighborhood.

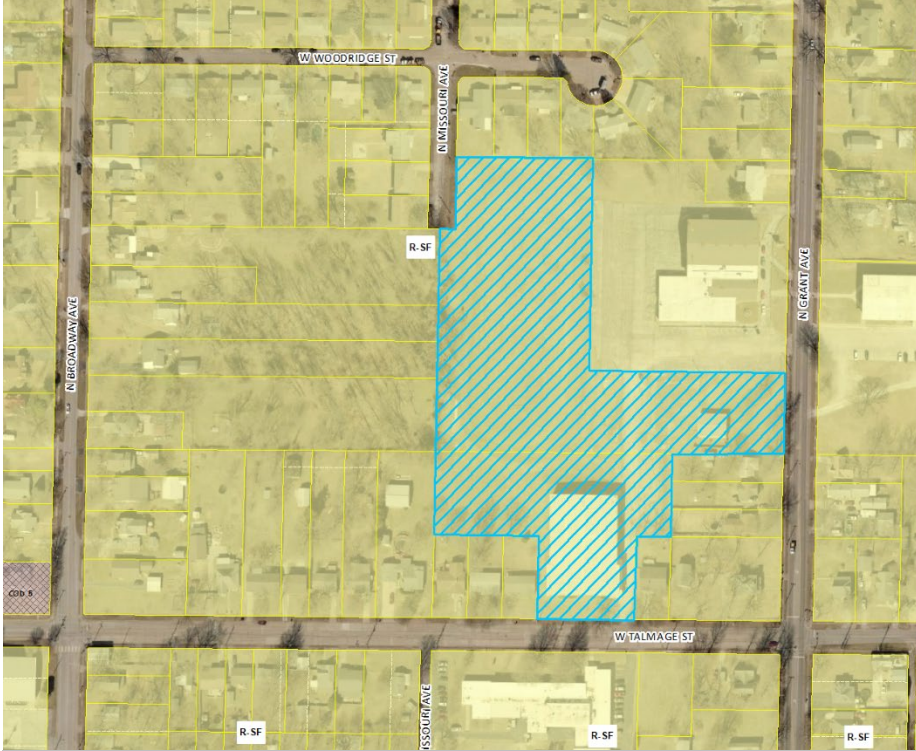
COMMISSION ACTION:

Mr. Colony motioned to **approve** Planned Development 383 (739 West Talmage Street). Mr. Knuckles seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Knuckles, Lebeck, and Gunther. Nays: None. Abstain: None. Absent: Ridge and Scott.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', with a long horizontal line extending to the right.

Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	JANUARY 12, 2023
CITY COUNCIL PUBLIC HEARING:	FEBRUARY 6, 2023
	CASE NUMBER: Planned Development No. 383
	LOCATION: 739 W. Talmage Street
	ACRES: 6.4 acres
	EXISTING LAND USE: Undeveloped land, unused church gymnasium
	APPLICANT: Baptist Temple of Springfield
	STAFF: Kyle McGinnis, Senior Planner 864-1615
STAFF RECOMMENDATIONS: Approve	
PROPOSED MOTION: Move to approve as submitted in the staff report.	
REQUIRED VOTE: A majority of those present (5 members are a quorum).	
SUMMARY OF REQUEST:	

Request to rezone approximately 6.4 acres of property generally located at 739 W. Talmage Street from R-SF, Single-family residential district to Planned Development No. 383 to allow for the construction of single-family homes and the adaptive reuse of an existing nonresidential structure for multifamily use.

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Comprehensive Plan's Land Use & Development* chapter groups this area into the Traditional Neighborhood Future Placetype. This placetype is predominately comprised of single-family detached residential dwellings with generally uniform setbacks, building designs, and parcel sizes. Planning within this placetype is intended to improve the neighborhood's quality of place, which can be achieved through a number of strategies including beautification efforts via streetscaping, increasing access and connections with nearby greenway or trail systems, and supporting low-intensity multifamily uses, low-intensity neighborhood commercial uses, or a mix of uses to serve area residents. Multifamily uses are meant to be located along higher classification roadways, near greenways or trails, or in areas identified by residents during the neighborhood planning process. The preservation of residential housing and housing patterns is meant to be prioritized where lots are predominately accessed from side or internal local streets. Furthermore, redevelopment efforts including higher-density housing or commercial uses are to be limited to areas adjacent to identified activity centers, where the redevelopment's anticipated traffic and circulation will not negatively affect the adjoining neighborhood.
2. The proposed Planned Development No. 383 is split into two parts, Areas A and B. Area A includes the adaptive reuse of the existing gymnasium along W. Talmage Street; the existing structure will remain and infill work will be completed to transform the interior into multifamily housing with both indoor and outdoor amenities for future residents, including an indoor fitness area and laundry facilities, as well as outdoor off-street parking, a playground, a dog park, a resident pavilion, and a grill. The applicant has proposed a total of 33 dwelling units within the existing structure, to include 16 efficiency units, 10 one-bedroom units, and seven two- to three-bedroom units. With an area of just over two acres, the density for Area A is approximately 15.7 dwelling units per acre, making the residential density comparable to that permitted by the R-LD, Low-density multifamily residential district, which caps its residential density to no more than 18 dwelling units per acre.

Development Review Staff Report



3. Area B, which is situated west and south of the Baptist Temple of Springfield's vehicular use area, will be developed to accommodate single-family detached dwellings, all of which will be included within an associated condominium plat, with each future home contained within an individual condominium unit. Area B will share the same outdoor amenities with Area A, listed above, and will connect to Area A via a private drive. The applicant has proposed a total of 22 single-family homes in Area A, spread across over four acres of land for a density of 5.1 dwelling units per acre. This density is below the maximum density permitted within the R-SF, Single-family residential district, which caps its residential density to no more than seven dwelling units per acre.
4. Combining the land area of both Areas A and B yields a total of 6.4 acres of land. Combining the dwelling unit subtotals of both Areas A and B results in a proposed total of 55 dwelling units. The resulting density for the entire development equals 8.6 dwelling units per acre, a density permitted within the R-TH, Residential townhouse district which caps its residential density to no more than 11 dwelling units per acre. For context, the least dense residential district, the R-SF, Single-family residential district, permits up to seven dwelling units per acre.
5. The proposed development will have two accesses to public right-of-way. The first will be taken from N. Missouri Avenue; the developer has agreed to complete public improvements to this dead-end street, from which Area B will take access. The second will be taken from W. Talmage Street, where an existing access drive is already located. Residents from either subarea of Planned Development No. 383 will be able to access public right-of-way via either access point.
6. Approval of this application will facilitate the development of this property and promote infill development where investments have already been made in public services and infrastructure.
7. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
8. The subject property has access to public sewer; each condominium unit will be served by private sewer which will not be maintained by the City of Springfield. Details regarding the private sewer will be further discussed via a final plat, the subdivision's future covenants, or both.
9. Public Works – Traffic has noted the need for additional right-of-way along N. Grant Avenue, a sidewalk requirement along both W. Talmage Street and N. Missouri Avenue, and a requirement for the extension of N. Missouri Avenue to the southern limits of the existing right-of-way, including the construction of an approved turn around. Based on their traffic counts, the proposed development is anticipated to generate one additional trip in each of the AM and PM peak hours, for a total of 93 additional trips generated daily.
10. The subject property is not currently served by stormwater infrastructure; however, in response to community and staff concerns regarding flooding in this area, the applicant has proposed stormwater detention up to 120% of the standard detention requirements. The detention areas will be located in the open space to the west of the existing gymnasium.
11. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
12. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

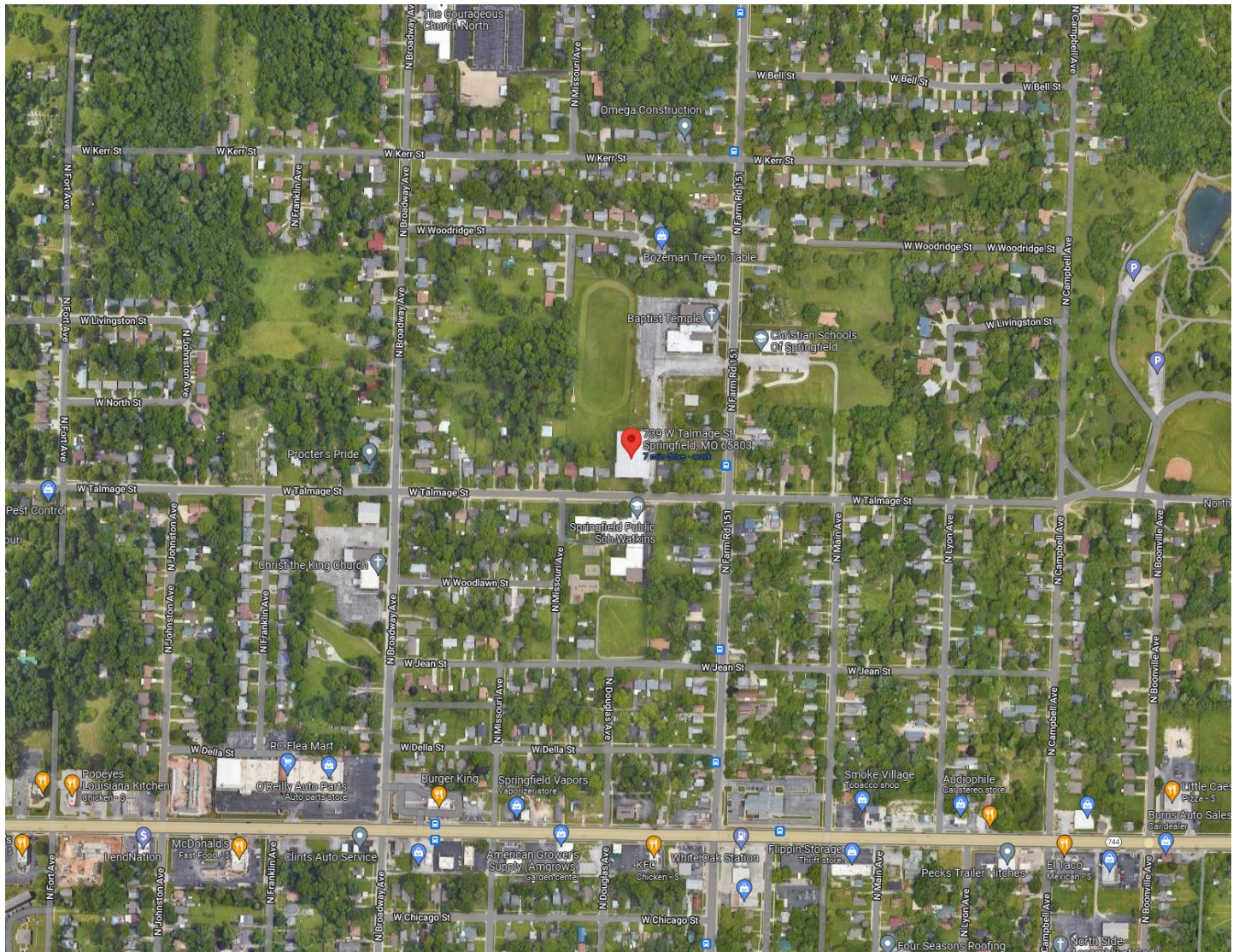
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-SF	R-SF
LAND USE	Single-family homes, church	Single-family homes, elementary school	Single-family homes, church	Single-family homes

Development Review Staff Report



SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



Development Review Staff Report

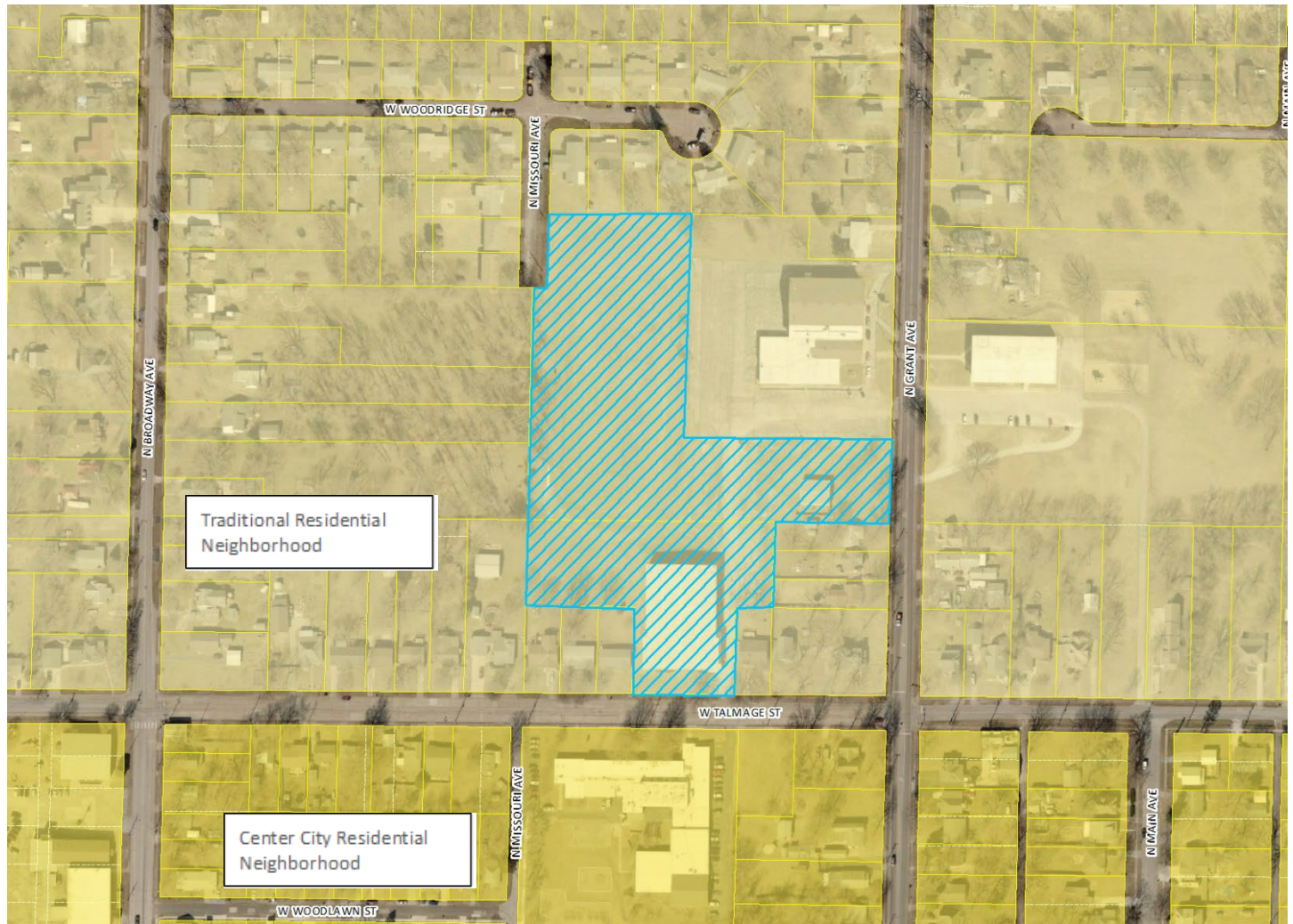


GOOGLE MAPS STREET VIEW:



Development Review Staff Report

FORWARD SGF PLACETYPES:



- City Placetypes
- City Corridor
 - Downtown
 - Traditional Residential Neighborhood
 - Center City Residential Neighborhood
 - Industry_Logistics
 - Institutional_Employment Center
 - Mixed Residential
 - Mixed Use
 - Business Flex
 - Urban Green Space_Recreation

Development Review Staff Report



PROPERTY HISTORY:

This property was zoned R-SF, Single-family residential district during the city-wide remapping in 1995, and has retained its R-SF zoning designation since that time.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR PD No. 383
Use Limitations	The only principal uses to be permitted will include the adaptive reuse of the gymnasium in Area A to accommodate multifamily housing not to exceed 15.7 dwelling units per acre for a total of 33 dwelling units and detached single-family homes in Area B not to exceed 8.6 dwelling units per acre for a total of 22 single-family homes. Accessory uses, such as the proposed outdoor recreational amenities and off-street parking, will also be permitted.
Maximum Structure Height	This is not applicable to Area A, as the gymnasium already exists and its height will not be altered. In Area B, the applicant has proposed a maximum structure height of 35 feet, matching the limitation imposed on single-family homes in the R-LD district whose side yards are less than 15 feet wide.
Front Yard Setback	This is not applicable to Area A. For the single-family homes in Area B, all future homes must be setback at least 20 feet from their front condominium lines along the interior circulation drive.
Side and Rear Setbacks	This is not applicable to Area A. For the single-family homes in Area B, all future homes must be setback at least five feet from each side condominium line, and setback at least 20 feet from each rear condominium line.
Open Space Requirement	Both Areas A and B will have the same minimum open space requirement of 20%, to be calculated separately for each area using the total land area contained within each (e.g. at least 20% of all of Area A must be maintained as open space). This requirement is equivalent to the open space required for development in the R-LD district.
Design Requirements	This is not applicable to Area A. For the single-family homes in Area B, the applicant has proposed limitations on the exterior materials to be used so as to be more compatible with those materials commonly found throughout the site's surroundings.
BULK PLANE	LANDSCAPING
This is not applicable to either Area A or B. Area A's existing gymnasium will not be structurally altered so as to change its height, while the single-family homes of Area B will be limited to a maximum height of 35 feet, as measured from finished grade.	Bufferyard C will be required where adjacent to property zoned R-SF, where existing conditions allow. Where existing conditions would not permit the installation of the standard bufferyard C, a reduced bufferyard, prescribed via Section 36-482 (16) shall apply instead. The interior and

Development Review Staff Report



perimeter landscaping requirements of Section 36-482 (9) shall apply to all vehicular use areas.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Comprehensive Plan's Land Use & Development* chapter groups this area into the Traditional Neighborhood Placetype. This placetype is predominately comprised of single-family detached residential dwellings with generally uniform setbacks, building designs, and parcel sizes. Planning within this placetype is intended to improve the neighborhood's quality of place, which can be achieved through a number of strategies including beautification efforts via streetscaping, increasing access and connections with nearby greenway or trail systems, and supporting low-intensity multifamily uses, low-intensity neighborhood commercial uses, or a mix of uses to serve area residents. Multifamily uses are meant to be located along higher classification roadways, near greenways or trails, or in areas identified by residents during the neighborhood planning process. The preservation of residential housing and housing patterns is meant to be prioritized where lots are predominately accessed from side or internal local streets. Furthermore, redevelopment efforts including higher-density housing or commercial uses are to be limited to areas adjacent to identified activity centers, where the redevelopment's anticipated traffic and circulation will not negatively affect the adjoining neighborhood.

Both Areas A and B propose residential densities comparable or even less intense than the R-LD, Low-density multifamily residential district, which permits no more than 18 dwelling units per acre. Area A contains the higher density of the two subareas, with a proposed density of 15.7 dwelling units per acre based on this subarea's acreage. In general alignment with the recommendations of the *Comprehensive Plan*, this area of higher residential density is situated along the periphery of the overall development, fronting on a Collector roadway (W. Talmage Street) on which it would maintain its existing access drive. This area of the proposal would directly oppose an existing elementary school south of W. Talmage Street, and would be located less than one-third of a mile from Doling Park, less than one-half mile from Talmage Trail near Doling Park, and approximately one-quarter mile from the Kearney Street corridor.

Area B, which is interior to the overall site, would contain single-family detached dwellings at a density not to exceed 5.1 dwelling units per acre based on this subarea's acreage. Following the recommendations of the *Comprehensive Plan*, this portion of the development, which more intimately interacts with the existing single-family neighborhood surrounding it, takes principal access from a Local roadway (N. Missouri Avenue) to the north. The lot sizes proposed are comparable to those required within the R-SF district, and all future single-family homes will be subject to bulk regulations and limitations similar to those imposed by the R-SF district. In this way, the overall development containing both Areas A and B provides for a transition of housing types from the north to the south, increasing in density as one approaches W. Talmage Street.

STAFF COMMENTS:

1. The proposed Planned Development No. 383 is split into two parts, Areas A and B. Area A includes the adaptive reuse of the existing gymnasium along W. Talmage Street; the existing structure will remain and infill work will be completed to transform the interior into multifamily housing with both indoor and outdoor amenities for future residents, including an indoor fitness area and laundry facilities, as well as outdoor off-street parking, a playground, a dog park, a resident pavilion, and a grill. The applicant has proposed a total of 33 dwelling units within the existing structure, to include 16 efficiency units, 10 one-bedroom units, and 12 two- to three-bedroom units. With an area of just over two acres, the density for Area A is approximately 15.7 dwelling units per acre, making the residential density comparable to that permitted by the R-LD, Low-density multifamily residential district, which caps its residential density to no more than 18 dwelling units per acre.
2. Area B, which is situated west and south of the Baptist Temple of Springfield's vehicular use area, will be developed to accommodate single-family detached dwellings, all of which will be included within an associated condominium plat, with each future home contained within an individual condominium unit. Area B will share the same outdoor amenities with Area A, listed above, and will connect to Area A via a private drive. The applicant has proposed a total of 22 single-family homes in Area A, spread across over four acres of land for a density of 5.1 dwelling units per acre. This density is below the maximum density permitted within the R-SF, Single-family residential district, which caps its residential density to no more than seven dwelling units per acre.

Development Review Staff Report



3. Combining the land area of both Areas A and B yields a total of 6.4 acres of land. Combining the dwelling unit subtotals of both Areas A and B results in a proposed total of 55 dwelling units. The resulting density for the entire development equals 8.6 dwelling units per acre, a density permitted within the R-TH, Residential townhouse district which caps its residential density to no more than 11 dwelling units per acre. For context, the least dense residential district, the R-SF, Single-family residential district, permits up to seven dwelling units per acre.
4. In order to better complement the existing residential neighborhood which surrounds this property, the applicant has proposed a number of measures to not only integrate the proposal into the neighborhood, but also insulate the neighborhood against this new development. All of the condominium units are dimensioned so as to emulate the minimum lot dimensions for development in the R-SF district, and all of the new single-family homes will be subject to setbacks similar to or even more intense than what would be required of development in the R-SF district. In addition, the applicant has agreed to impose certain exterior material limitations to ensure the quality of the product proposed and a sense of cohesion between the new development and its existing surroundings. Along this site's perimeter, where adjacent to neighboring properties, the applicant has proposed the installation of bufferyard C, including a six-foot wooden privacy fence as a form of screening, reinforcing the existing neighborhood's sense of privacy and further beautifying the development and community.
5. The applicant has proposed a number of outdoor amenities for the residents of this development, including two 3,000 square foot dog parks, a playground, a pavilion, and a grill, with associated bench seating throughout. These types of amenities help to bolster a development's quality of place and sense of community by providing space for residents to recreate together in a variety of ways.
6. The proposed rezoning was reviewed by City departments whose comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on December 22, 2022. A summary of the meeting and sign-in sheet is attached (Attachment 2). Neighborhood correspondence by email and comment cards are also attached (Attachment 3).

PUBLIC NOTIFICATION:

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

Notices sent to property owners within 185 feet: Mailed: 178 Returned: 1

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS PLANNED DEVELOPMENT 383

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the Planned Development's site plan or language. Electric, gas, and water extensions, where needed or desired, can be provided per City Utilities' extension policy. New easements may be needed to facilitate this.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues with the Planned Development. Each lot has access to public sewer. Each condominium unit will be served by private sewer which will not be maintained by the City of Springfield. The condominium units will need to define the open space, access, and maintenance rights for each unit either on a future final plat or covenants.

FIRE DEPARTMENT:

The installation of fire hydrants and fire access lances shall comply with the 2018 IFC.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Pea Ridge Creek** 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 **will not be allowed and detention is required**. The property **is not in a stream buffer area**.

Public Works – Stormwater concurs with the proposed Planned Development narrative. The included comment for 120% detention assists in preventing downstream flooding concerns. The PD narrative also includes the requirement to return the runoff to sheet flow prior to exiting the property. Both of these comments were proposed by Public Works – Stormwater during the pre-development review process with the property representative. The properties at 739 W. Talmage Street and 2655 N. Grant Avenue drain through the adjacent R-SF properties (2638 – 2724 N. Broadway Avenue). Stormwater infrastructure only starts in the vicinity of N. Broadway Avenue and W. Woodridge Street.

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:

Development Review Staff Report



1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Section 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in-lieu-of detention may be allowed per the Director of Public Works.
 - a. Detention is required and a fee in-lieu-of detention for this development will not be permitted. Both lots primarily drain to the west through residential properties until reaching a low area at the intersection of N. Broadway Avenue and W. Woodridge Street. This intersection is the start of a stormwater culvert/channel system that conveys stormwater further downstream but needs further improvement. This intersection has documented flooding on private property from City of Springfield Service Requests.
 - b. Any stormwater infrastructure serving more than one property needs to be submitted on public improvement plans. <https://www.springfieldmo.gov/DocumentCenter/View/55360/Sept-2021-Design-Standards>.
 - c. Detention must be built and approved prior to the issuance of any building permit. If this is not possible, submit a temporary stormwater plan with your plan submittal. If it is an above-ground basin then as-builts will be required. The as-builts must be submitted and approved prior to the release of the certificate of occupancy.
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 Section 4.1.4.
 - a. To a public right-of-way (1); a recorded drainage easement, continuing to 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.
 - c. For this development, Public Works – Stormwater recommends all stormwater is discharged through a level spreader or vegetated filter strip such that the stormwater is returned to an overland sheet flow before exiting the property. Chapter 10 Section 8.0 outlines the design considerations for filter strips and level spreaders.

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 one or more acres. Including projects less than one acre that are part of a large common plan of development or sale that will disturb one or more acres over the life of the project. Chapter 10 Section 2.0.
 - a. Water quality is required based on the disturbance of greater than one acre.

Additional Stormwater Standards to be met:

1. A land disturbance permit will be required with disturbing one or more acres 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 Environmental Services – Water Quality per Chapter 12 Section 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 Section 3.0 for detention summary.
 - a. Existing gravel surfaces meeting the above definition are eligible for 50% credit.

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DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

The City's Transportation Plan classifies N. Grant Avenue as a Secondary Arterial, W. Talmage Street as a Collector roadway, and N. Missouri Avenue as a Local – Residential roadway. The standard right-of-way width for N. Grant Avenue is 35-feet from the centerline, 30-feet from the centerline of W. Talmage Street, and 25-feet from the centerline for N. Missouri Avenue. It appears as additional five feet of right-of-way is needed along N. Grant Avenue. It appears no additional right-of-way is needed along W. Talmage Street or N. Missouri Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right-of-way area. N. Grant Avenue, W. Talmage Street, and N. Missouri Avenue are all city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count for N. Grant Avenue is 6,936 vehicles per day and for W. Talmage Street is 1,419 vehicles per day. There are no traffic counts for N. Missouri Avenue since it is classified as a Local roadway. On-street parking is not allowed along N. Grant Avenue. On-street parking is allowed on W. Talmage Street and N. Missouri Avenue.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Talmage Street. Access will be allowed from N. Missouri Avenue that meets current City of Springfield spacing requirements set forth in City Code Chapter 98. No additional access will be allowed to W. Talmage Street. No access will be allowed to the property from N. Grant Avenue.

SIDEWALK

There is existing sidewalk along the property frontage on N. Grant Avenue. There is currently no sidewalk along the property frontage on W. Talmage Street or N. Missouri Avenue. The developer will be required to install sidewalk in accordance with the City of Springfield Public Works Design Guide along W. Talmage Street and N. Missouri Avenue at the time of development. The developer also has the option to seek approval to pay a fee in-lieu-of construction by apply to the Administrative Review Committee. If approved, the fee must be paid prior to the approval of a building permit. The current fee is \$31.46 per linear foot of sidewalk to be constructed.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning request. There are no bus stops along the property frontage of this development; however, there is one to the north of the property and one to the south on N. Grant Avenue. The proposed development is in an area that provides for multiple direction connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study was required and has been accepted. No improvements are required based on the Traffic Impact Study; however, there is a portion of N. Missouri Avenue that is not completed on its east side, which abuts this property. This portion of N. Missouri Avenue is required to be completed to the southern limits of the existing right-of-way for N. Missouri Avenue, including a turn-around.

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

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	N. Grant Avenue	Secondary Arterial	No	30	35
Street 2	W. Talmage Street	Collector	Yes	30	30
Street 3	N. Missouri Avenue	Local – Residential	Yes	25	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		24	30	288	
*Proposed Trips Generated		25	31	381	
Additional Trips Generated		1	1	93	

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

REQUIREMENTS FOR APPROVAL:

EXHIBIT 1

Requirements and Standards Applicable to Planned Development District No. 383

A. APPLICATION

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

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

B. INTENT

Planned Development No. 383 includes two parcels of property: the Baptist Temple Gymnasium (Parcel ID 130240311, also referred to as “Area A”) located at 739 W. Talmage Street and the associated track field to its north (Parcel ID 1302403092, also referred to as “Area B”). The proposal includes the adaptive use of the gymnasium, Area A, for competitively priced multifamily housing, as the structure is no longer used by the church and has fallen into disrepair. Area B, to the north, contains 22 single-family homes to be located within a condominium plat, providing an increased intensity of development as one travels from the north end of the proposal area to the south. Where the proposal area abuts existing single-family homes, Planned Development No. 383 provides for the installation of bufferyards and privacy screening. The proposal allows for uses traditionally accessory to residential uses, such as outdoor recreation areas, and provides stormwater management infrastructure in excess of City standards to help offset the development’s stormwater impact on adjacent and downstream properties.

C. DEFINITIONS

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

D. USES PERMITTED

(1) *Area A.* The following uses shall be permitted within Area A, as depicted in Exhibit 2:

- a. Adaptive use of nonresidential structures in residential districts;
- b. Accessory uses, as permitted by *Section 36-450* of the *Springfield Zoning Ordinance*; and
- c. Accessory off-street parking facilities as depicted in Exhibit 2.

(2) *Area B.* The following uses shall be permitted within Area B, as depicted in Exhibit 2:

- a. Residential condominiums (single-family detached);

- b. Accessory uses, as permitted by *Section 36-450* of the *Springfield Zoning Ordinance*; and
- c. Accessory off-street parking facilities as depicted in Exhibit 2.

E. USE LIMITATIONS

- (1) *Noise standards.* All uses shall operate in accordance with the noise standards contained in *Section 36-485* of the *Springfield Zoning Ordinance*.
- (2) *Nuisance.* No use shall emit an odor that creates a nuisance as determined by the *Springfield City Code*.

F. INTENSITY OF DEVELOPMENT

- (1) *Maximum residential density.*
 - a. Area A: The maximum density within Area A shall be 15.7 dwelling units per acre of Area A (2.1 acres), for a total of 33 dwelling units.
 - b. Area B: The maximum density within Area B shall be 5.1 dwelling units per acre of Area B (4.3 acres), for a total of 22 single-family detached homes.
 - c. Proposal Area Total: The maximum density for the entirety of both Areas A and B (6.4 acres) shall not exceed 8.6 dwelling units per acre, for a total of 55 dwellings/dwelling units.

G. BULK, AREA AND HEIGHT REQUIREMENTS

- (1) *Generally.* The requirements and standards for the R-LD, Low-density multifamily residential district of *Section 36-382* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply except where the existing gymnasium and access drive conflict with such requirements and limitations, as identified in Exhibit 2, and as identified per proposal area below.
- (2) *Area A.* The height of the existing nonresidential structure shall not be increased.
- (3) *Area B.* The maximum height of all future structures shall not exceed two stories or 35 feet in height above finished grade.

H. DESIGN REQUIREMENTS

- (1) *Area A.*
 - a. *Adaptive use window treatments.* All exterior windows of the existing gymnasium shall meet the requirements of the Building Code, in effect at the time of development.
 - b. *Area amenities.* The following outdoor amenities shall be provided within Area A as depicted in Exhibit 2: a playground; a 3,000 square foot dog park; a pavilion; and a community grill.

(2) *Area B.*

- a. *Building exterior finishes.* All new structures shall utilize exterior finishes compatible with that of the other residential buildings in the surrounding neighborhood, including brick, beveled siding, board and batten siding, and/or architectural stone. The Administrative Review Committee shall have the authority to review and approve the use of other exterior finishes, such as vinyl siding, aluminum siding, steel siding, etc. at their discretion.
- b. *Pedestrian circulation.* Internal sidewalks shall connect building entrances to one another and to sidewalks on adjacent public and/or private streets via a minimum four-foot-wide sidewalk. Fences, landscaping, and other site improvements shall be located so as not to impede safe and convenient pedestrian circulation.
- c. *Area amenities.* The following outdoor amenities shall be provided within Area B as depicted in Exhibit 2: a 3,000 square foot dog park; a park bench; and a community grill.

(3) *Regarding district amenities.*

- a. The operation and maintenance of these district amenities shall be the responsibility of a duly authorized property owners' association.
- b. The construction and installation of the district amenities shall be phased in accordance with the **PHASING** section below.

I. OPEN SPACE, LANDSCAPING & SCREENING

- (1) *Open space requirements.* The minimum open space requirements for the R-LD, Low-density multifamily residential district of *Section 36-382* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply.
- (2) *Bufferyard requirements.* Bufferyard C, as detailed in *Section 36-482* of the *Springfield Zoning Ordinance*, shall be required where adjacent to property zoned R-SF, Single-family residential district and where existing conditions allow. A six-foot wooden privacy fence is required along those bounds depicted in Exhibit 2.
- (3) *Vehicular use area requirements.*
 - a. *Interior landscaping.* The requirements and standards of *Section 36-482 (9) (a)* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply.
 - b. *Perimeter landscaping.* The requirements and standards of *Section 36-482 (9) (b)* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply.
- (4) *Landscaping standards.*
 - a. All plantings shall be provided using species of vegetation native to or naturalized within the state of Missouri, as identified by the Missouri Department of Conservation.
 - b. The preservation of healthy, existing trees of an approved species at 4 ½ inches

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caliper shall count as two trees when considering the fulfillment of the tree planting requirements of this district.

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

(5) *Screening and fencing.*

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

J. EXTERIOR LIGHTING

The requirements and standards of *Section 36-484 of the Springfield Zoning Ordinance*, in effect at the time of development, shall apply.

K. ACCESS TO PUBLIC THOROUGHFARES

Access to the public street system shown in Exhibit 2 shall be governed by the existing standards of the *City of Springfield* for the applicable street classification. In addition, internal vehicular access between Areas A and B is required as depicted in Exhibit 2.

L. OFF-STREET PARKING

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

M. SIGNS

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

N. REQUIRED IMPROVEMENTS

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

(1) *Sanitary sewer.*

- a. The proposal area has access to public sewer; however, each condominium unit shall be served by private sewer, which will not be maintained by the City of Springfield. On the final plat or within the covenants, the open space, access, and maintenance rights for each condominium unit's sewer must be clearly defined.

(2) *Traffic.*

- a. An additional five feet of public right-of-way must be dedicated along the property's frontage on N. Grant Avenue.
- b. Sidewalk is required to be constructed along the property's frontage on both W. Talmage Street and N. Missouri Avenue in accordance with *City Code Section 36-*

471, or a request can be filed with the Administrative Review Committee for the approval of a fee in-lieu-of sidewalk construction.

- c. N. Missouri Avenue is required to be extended to the southern limits of existing right-of-way, and an emergency turnaround must be provided. The extension must be submitted as a Public Improvement Plan and the improvement must be constructed, or funds escrowed, prior to the approval of a building permit.
- d. All driveway approaches shall comply with *Public Works Standard Drawing ST-9* and *City Code Section 98*, except where the proposal shall deviate from such requirements as depicted in Exhibit 2.
- e. On-site parking and circulation shall comply with *Public Works Standard Drawing ST-6* and *City Code Sections 36-455* and *36-483*, except where the proposal shall deviate from such requirements as depicted in Exhibit 2.

(3) *Stormwater.*

- a. Stormwater detention capable of holding 120% of the City's standard detention for the proposal area shall be provided in general conformance with Exhibit 2. Furthermore, all stormwater runoff must return to sheet flow prior to exiting the proposal area.
- b. The Development District will be adding more than one acre of impervious surface; as a result, water quality improvements must be designed and constructed in accordance with *Chapter 10, Section 2* of the *City's Flood Control and Water Quality Protection Manual*.
- c. Operation and maintenance agreements shall conform with *Chapter 12, Section 3.0* of the *City's Flood Control and Water Quality Protection Manual*.
- d. Planned Development No. 383 will be adding more than one acre of impervious surface; as a result, a City Land Disturbance Permit and Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and submitted in accordance with *City Code Section 96-44*.

(4) *Utilities.*

- a. Water, gas, and electric service extensions, where needed or desired, can be provided per City Utilities' extension policy; however, such extensions may require the approval of new easements.

O. MAINTENANCE OF COMMON AREAS AND FACILITIES

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

P. PHASING

Development shall be phased. All public improvements directly related to each phase will be completed at the time of the phase's development. The improvements serving the District as a whole and the adjoining areas are to be completed in a sequence assuring full utility of the District as a whole and all areas within the District so that future public improvements required

Development Review Staff Report



by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

Q. FINAL DEVELOPMENT PLAN

Areas A and B will require separate approvals.

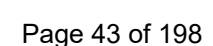
A Final Development Plan for Area A, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses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

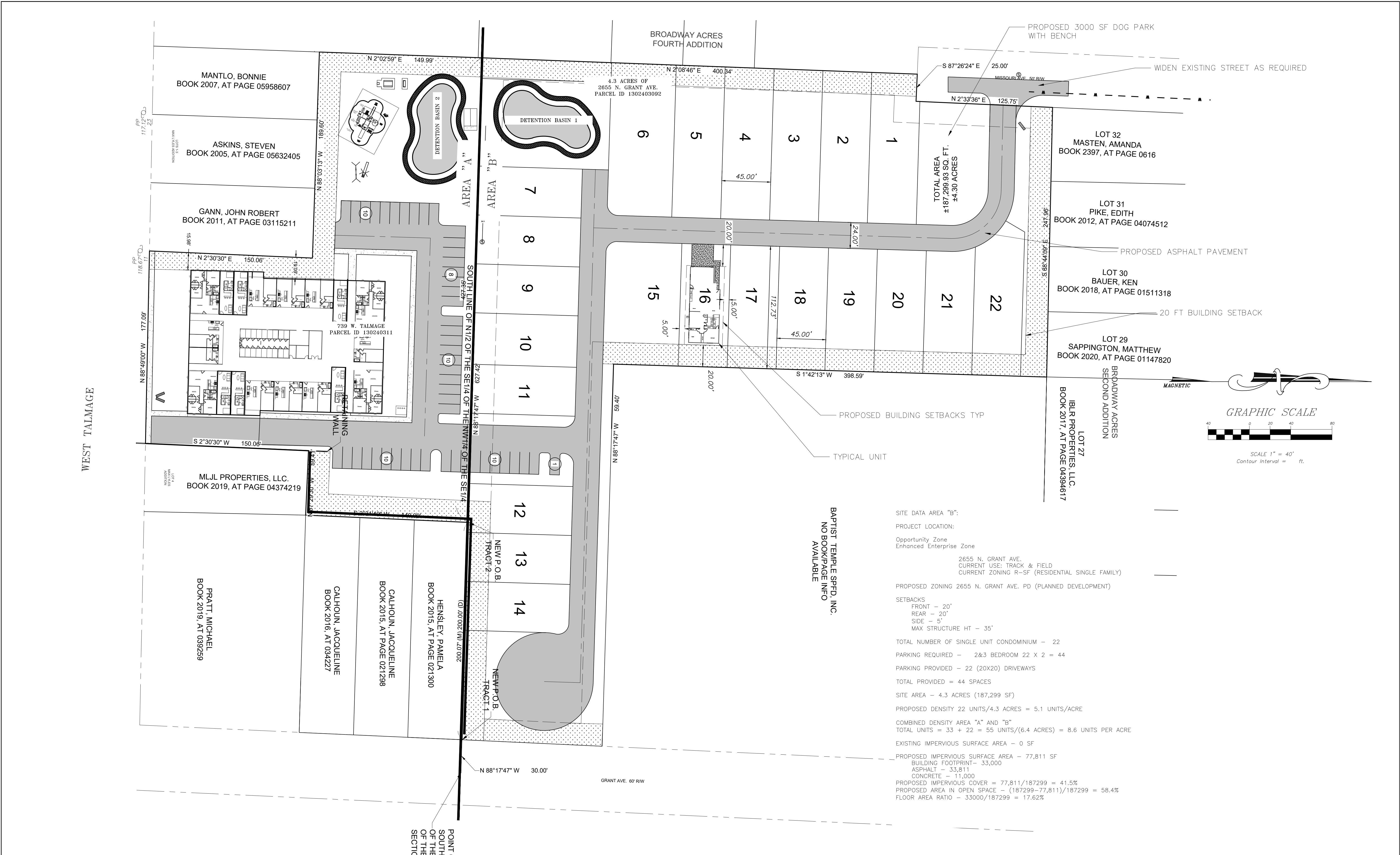
A Final Development Plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by *Section 36-405 (9) (c) of the Springfield Zoning Ordinance*.

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

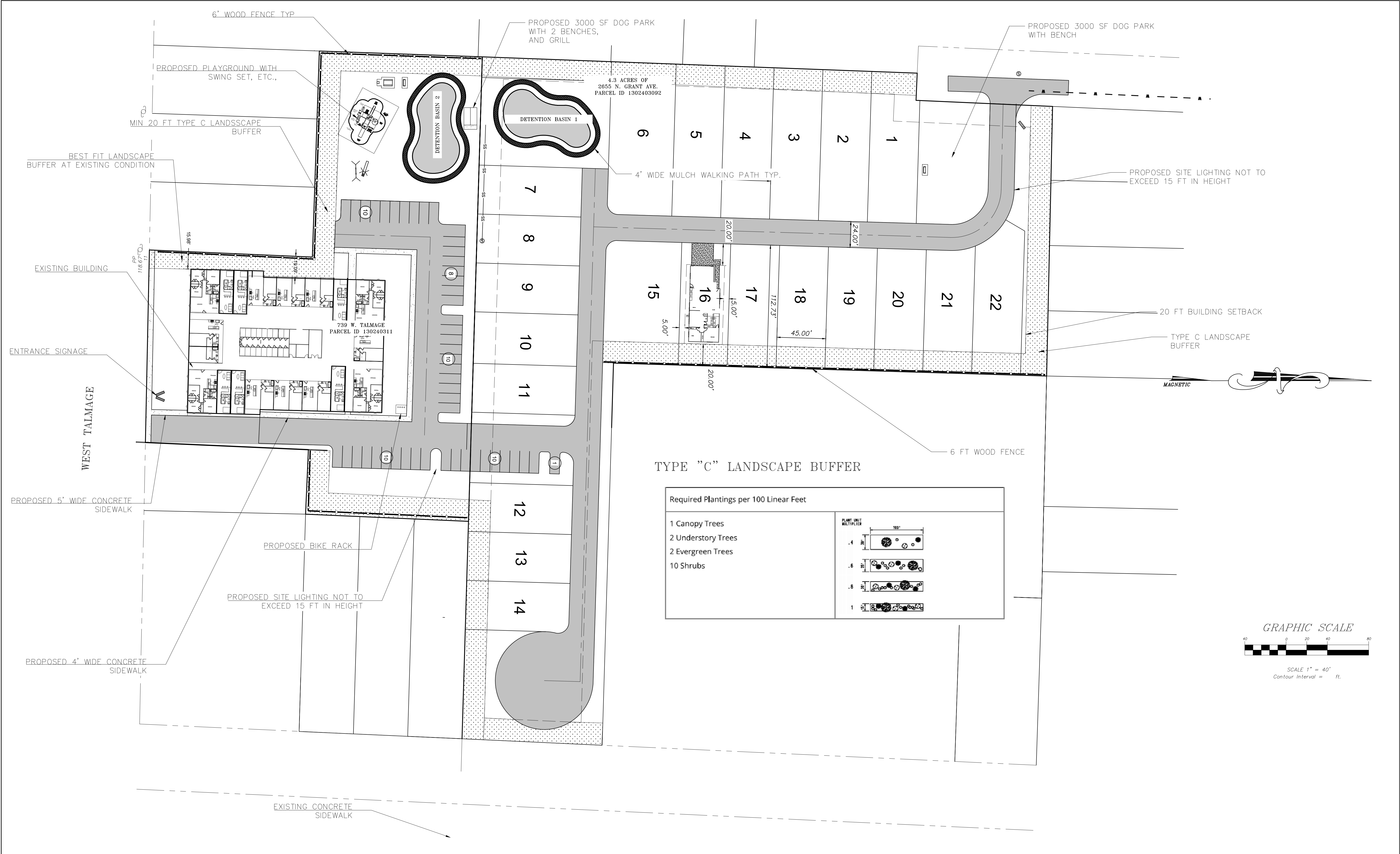
- (1) Any uses within the District other than those specifically prescribed by the ordinance; or
- (2) Any increase in the intensity of the use permitted within the District.

For Area B, the Final Development Plan must be submitted in the form of a preliminary plat, provided the plat is prepared in accordance with the requirements, standards, and intent of this Exhibit. Development in this District shall be in accordance with the approved Final Development Plan.





NO.				DATE				REVISION				MICHAEL STALZER, PE MISSOURI REG. PROF. ENGINEER No.: 26709 1658 W. RIVERSIDE STREET SPRINGFIELD, MO 65807 417-860-9697 - MESTALZER@GMAIL.COM				MICHAEL STALZER, PE MISSOURI REG. PROF. ENGINEER No.: 26709				WEST TALMAGE				PLANNED DEVELOPMENT SKETCH PLAN AREA "B"				SHEET NUMBER C-3 OF 4 SHEETS			
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			MICHAEL STALZER, PE MISSOURI REG. PROF. ENGINEER No.: 26709 1658 W. RIVERSIDE STREET SPRINGFIELD, MO 65807 417-860-9697 - MESTALZER@GMAIL.COM	MICHAEL STALZER, PE MISSOURI REG. PROF. ENGINEER No.: 26709		WEST TALMAGE	AMENITY & BUFFER YARD PLAN	SHEET NUMBER C-4 OF 4 SHEETS
NO.	DATE	REVISION						

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-SF to R-LD and Single Unit Condominium
(existing zoning) (proposed zoning)
2. Meeting Date & Time: _____
3. Meeting Location: First Baptist Church Sanctuary
4. Number of invitations that were sent: Per city mailing list
5. How the mailing list was generated: Assessor's Office Web Site
6. Number of neighbors in attendance (attach a sign-in sheet): _____
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

*Stormwater - Detain 20% of Undeveloped flow
Density - show building footprint for single
unit condo. - show on plan typical footprint.*

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

I, Michael Skizer (print name), attest that the neighborhood meeting was held on
12/22/2020 (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]

Signature of person completing affidavit

Michael Skizer

Printed name of person completing affidavit

DATE:	12-15-2022	Telephone No.	417-631-1313
YOUR NAME:	Patti Nelson		
YOUR ADDRESS:	928 W. Woodridge		
PROJECT ADDRESS:	739 W. Talmage & 2655 N. Grant.		

COMMENTS:

I have lived at this address for 29 years & have had issues with flooding since I've moved in. When the ground is saturated it runs like a river from the gymnasium on Talmage down into my back yard. I have a city storm drain in my back yard, when that doesn't take it all in it runs to the street. I have had it up to my back door & cars have been flooded out sitting in front of my house. It would be a disaster for me & my neighbors if proper drainage was not installed!!

City of Springfield, Missouri - Development Review Office - 840 Boonville, Springfield, MO 65802 - 417.864.1611
 Application for Zoning Map Amendment & Planned Developments
 *Fees are non-refundable

ATTACHMENT 3

From: [laurie grant](#)
To: [McGinnis, Kyle](#)
Subject: Development 383 739 W Talmage
Date: Thursday, January 12, 2023 11:05:43 AM

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

Good morning and Thank You for listening to my concerns. Some of us in the neighborhood will be attending the meeting this evening. Many in our neighborhood are either elderly and not able to get out, working, have children or disabled at home to care for, or of course some who just plain don't care. After talking with many of my neighbors, our main concern is the additional traffic and impact on the safety of our children.

I am a resident of the Watkins/Reed/Hillcrest school area and along with many of my neighbors am concerned about the safety of the children in this area. There is a proposed development, Development # 383, located directly across from the front entrance of the Watkins Elementary school. The proposed plan is to Rezone the property and build apartments and condos on the approx. 6 1/2 acres currently for sale by Baptist Temple church. The parking lot would open directly across from the front entrance of Watkins on Talmage, where all the children go in and out of the school, and the walkers have to cross the street to get to the school. Cars dropping off and picking up the children line up both ways down Talmage street and around the corners on Grant and Broadway at these times during the day. The second entrance/exit to this proposed complex parking lot would be onto the dead end of Missouri street and then onto Woodridge where there are no sidewalks forcing walkers to walk in the narrow street and around cars parked in the street, then on to Broadway which is already a busy street. This would create a hazard to the children and parents walking to school and to the school bus pickups. The traffic survey done by the city planners estimate an additional 1,152 daily car trips added to our streets, from the proposed complex. With many children in this area having to fend for themselves and get themselves to school, these added dangers are just not acceptable. There are already many days when there isn't even a crossing guard for the busy intersections near the school.

The proposed development is for 32 apartments inside the old gymnasium and 22 single family homes which would be located behind the gymnasium. This could create a huge impact on the schools' population also. It would be wonderful to have someone rehab the old gymnasium into something useful before it falls in but at what cost to our children's safety?

Again, thank you for listening to my concerns and those of many of my neighbors. I wanted to be you are aware of the potential problems this development and additional traffic would create.

Laurie Brotherton
2708 N Broadway
417-838-0344



Scott Brown on iPad



EXPLANATION TO COUNCIL BILL 2023-056 (HORTON)

FILED: 03/07/2023

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.71 acre of property generally located at 1018 North Farmer Avenue and 1622, 1628, and 1634 West Scott Street from R-SF, Single-Family Residential District, to R-TH, Residential Townhouse District, with Conditional Overlay District No. 222; establishing Conditional Overlay District No. 222; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: RAL Property Management, LLC; 1018 North Farmer Avenue and 1622, 1628, and 1634 West Scott Street; Z-1-2023.)

BACKGROUND INFORMATION:

Purpose: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.71 acres of property generally located at 1018 N. Farmer Avenue and 1622 through 1634 W. Scott Street from R-SF, Single-family residential district to R-TH, Residential townhouse district and establishing Conditional Overlay District No. 222. (Staff and Planning and Zoning Commission both recommend approval.)

ZONING CASE NUMBER Z-1-2023 w/COD #222

The applicant is requesting to rezone approximately 0.71 acres of property generally located at 1018 N. Farmer Avenue and 1622 through 1634 W. Scott Street from R-SF, Single-family residential district to R-TH, Residential townhouse district and establishing Conditional Overlay District No. 222. The applicant, RAL Property Management LLC, intends to construct duplexes within the rezoned area.

REMARKS:

The Planning and Zoning Commission held a public hearing on February 9, 2023, 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 *Land Use and Development* chapter of the *Comprehensive Plan* includes this site within the Center City Neighborhood Placetype, which is described as,

“Typically [containing] a diverse range of single-family homes with varying architectural styles, setbacks, and parcel sizes.” Consisting of neighborhoods which precede WWII, modern infill within this Placetype, “...can include higher density residential development that [blends] with the surrounding character,” though vacant or otherwise underutilized properties should also be considered for new uses which complement or reinforce the urban fabric of the neighborhood, such as pocket parks, community gardens, or small neighborhood commercial nodes, as well as housing. Planning within this Placetype is meant to improve infrastructure and support development patterns which help make these neighborhoods more complete, diverse, and accessible.

2. The subject properties are currently zoned R-SF, a single-family residential district, and the applicant, RAL Property Management LLC, has requested to rezone the site to R-TH, Residential townhouse district, with the intent to construct a series of duplexes. Per the area map provided above, those properties fronting N. Kansas Expressway to the east are already zoned R-TH and have been zoned as such since the city-wide mapping which took place in 1995. The *Land Development Code* describes the R-TH district as appropriate for, “...a variety of housing types, including single-family detached, single-family semi-detached, duplex, and townhouse dwellings, at low to moderate residential densities (approximately 11 dwelling units per acre).” Though this district does allow for other nonresidential uses, the intent of this district is to preserve the residential character of a given area.
3. No site plan has been made available for the proposal; however, a site plan is not required for such a rezoning. To better ensure the quality of future construction, the applicant will be required to follow the Affordable Housing Design Guidelines, as indicated in the proposed Conditional Overlay District (“COD”) No. 222. This is the only requirement of the proposed COD.
4. Lot 3 (1018 N. Farmer Avenue) does not currently have access to City Utilities water or gas infrastructure; as a result, main extensions will be needed to provide these services to this lot specifically. Lot 2 (1628 W. Scott Street) does not have direct access to public sewer infrastructure, requiring an extension of public sewer to serve this lot unless the applicant reconfigures the property lines via a subdivision process to grant access to public sewer to the west. Should an extension of public sewer be necessary, public improvement plans will need to be reviewed, approved, and constructed (or escrowed) prior to the issuance of future building permits or plats. Regardless of changes to the subdivision or extensions of infrastructure, a sewer impact permit fee will be required for any new construction on this site.
5. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.
6. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.



Submitted By: Kyle McGinnis, Senior City Planner

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

- Attachments:**
1. Z-1-2023 with COD #222_ord
 2. Exhibit A, Conditional Overlay District No. 222 Provisions
 3. Exhibit B, Legal Description
 4. Exhibit C, Record of Proceedings
 5. Exhibit D, Development Review Staff Report with 3 Attachments

One-rdg. _____
P. Hrngs. _____
Pgs. 20
Filed: 02-28-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-056

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 0.71 acre of property generally located at 1018 North Farmer
4 Avenue and 1622, 1628, and 1634 West Scott Street from R-SF,
5 Single-Family Residential District, to R-TH, Residential Townhouse
6 District, with Conditional Overlay District No. 222; establishing
7 Conditional Overlay District No. 222; and adopting an updated
8 Official Zoning Map. (Staff and Planning and Zoning Commission
9 recommend approval.)
10 _____
11

12 WHEREAS, an application has been filed for a zoning change of the property
13 generally located at 1018 North Farmer Avenue and 1622, 1628, and 1634 West Scott
14 Street from R-SF, Single-Family Residential District, to R-TH, Residential Townhouse
15 District, with Conditional Overlay District No. 222; and
16

17 WHEREAS, Conditional Overlay District No. 222 shall modify the requirements of
18 the Springfield Land Development Code Section 36-381, R-TH, Residential Townhouse
19 District, by requiring that the property described in "Exhibit B" comply with the
20 requirements described in "Exhibit A;" and
21

22 WHEREAS, following proper notice, the Planning and Zoning Commission held a
23 public hearing on February 9, 2023, a copy of the Record of Proceedings from said
24 public hearing being attached hereto and incorporated herein by this reference as
25 "Exhibit C," and said Commission made its recommendation; and
26

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

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

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

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

43
44 Section 2 – City Council hereby establishes Conditional Overlay District No. 222,
45 which shall contain the requirements and standards provided in "Exhibit A," which is
46 attached hereto and incorporated herein by this reference as though set forth herein.
47 The requirements of Conditional Overlay District No. 222 shall modify the requirements
48 of the Springfield Land Development Code Section 36-381, R-TH, Residential
49 Townhouse District, by requiring the property described in "Exhibit B" comply with the
50 requirements contained in "Exhibit A."

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

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

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

63
64 Passed at meeting: _____

65
66
67 _____
68 Mayor

69 Attest: _____, City Clerk

70
71 Filed as Ordinance: _____

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

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

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT NO. 222 PROVISIONS
ZONING CASE Z-1-2023

1. Future construction on the subject sites shall comply with the City of Springfield's Affordable Housing Design Guidelines.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-1-2023

ALL OF LOT THREE (3) CHAPMAN ADDITION, SPRINGFIELD, GREENE COUNTY,
MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

ALL OF LOT FOUR (4) CHAPMAN ADDITION, SPRINGFIELD, GREENE COUNTY,
MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

ALL OF LOT TWO (2) CHAPMAN ADDITION, SPRINGFIELD, GREENE COUNTY,
MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

ALL OF LOT ONE (1) CHAPMAN ADDITION, SPRINGFIELD, GREENE COUNTY,
MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

Exhibit C

**RECORD OF PROCEEDINGS
Planning and Zoning Commission – February 9, 2023**

Z-1-2023 w/COD #222

1018 North Farmer Avenue and 1622, 1628 & 1634 West Scott Street

Applicant: Baptist Temple of Springfield

Mr. McGinnis stated that this is a request to rezone approximately 0.71 acres of property generally located at 1018 N. Farmer Avenue and 1622 through 1634 W. Scott Street from R-SF, Single-family residential district to R-TH, Residential townhouse district and establishing Conditional Overlay District No. 222. The project area is located within the Center City Neighborhood placetypes (corrected and referenced as an “established neighborhood placetype” in staff report and verbally noted during presentation).

Mr. Colony asked for the limitations on the Conditional Overlay District and asked about small-scale commercial.

Mr. McGinnis noted that only one is that future construction conforms to the affordable housing design guidelines. Mr. McGinnis also noted that the zoning district would not allow small scale commercial, but it is the placetype that would encourage commercial where appropriate. This placetype is to enhance and diversify the neighborhoods.

Mr. Knuckles asked if the properties to the east would be within the Conditional Overlay District and Mr. McGinnis noted that the properties are not.

Mr. Jobe opened the public hearing.

Ms. Michelle Lopez, 5256 S. Aspen Drive and here as a representative to the property management and to answer any questions.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Z-1-2023 w/COD #222 (1018 North Farmer Avenue and 1622, 1628 & 1634 West Scott Street). Ms. Broekhoven seconded the motion. Ayes: Jobe, Broekhoven, Colony, Pauly, Lebeck, Knuckles, Ridge, and Gunther. Nays: None. Abstain: None. Absent: Scott.



Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	FEBRUARY 9, 2023
CITY COUNCIL PUBLIC HEARING:	March 6, 2023
	CASE: Z-1-2023 w/COD #222
	ACRES: 0.71 acres
	LOCATION: 1018 N. Farmer Avenue and 1622 through 1634 W. Scott Street
	EXISTING LAND USE: Single-family residential, Vacant
	APPLICANT: RAL Property Management LLC
	STAFF: Kyle McGinnis, Senior Planner (417) 864-1615
	STAFF RECOMMENDATIONS: Approve
PROPOSED MOTION: Move to approve as submitted in the staff report.	
REQUIRED VOTE: A majority of those present (5 members are a quorum).	

SUMMARY OF REQUEST:

Request to rezone approximately 0.71 acres of property generally located at 1018 N. Farmer Avenue and 1622 through 1634 W. Scott Street from R-SF, Single-family residential district to R-TH, Residential townhouse district and establishing Conditional Overlay District No. 222.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Land Use and Development* chapter of the *Comprehensive Plan* includes this site within the Center City Neighborhood Placetype, which is described as, "Typically [containing] a diverse range of single-family homes with varying architectural styles, setbacks, and parcel sizes." Consisting of neighborhoods which precede WWII, modern infill within this Placetype, "...can include higher density residential development that [blends] with the surrounding character," though vacant or otherwise underutilized properties should also be considered for new uses which complement or reinforce the urban fabric of the neighborhood, such as pocket parks, community gardens, or small neighborhood commercial nodes, as well as housing. Planning within this Placetype is meant to improve infrastructure and support development patterns which help make these neighborhoods more complete, diverse, and accessible.
2. The subject properties are currently zoned R-SF, Single-family residential district, and the applicant, RAL Property Management LLC, has requested to rezone the site to R-TH, Residential townhouse district with the intent to construct a series of duplexes. Per the area map provided above, those properties fronting N. Kansas Expressway to the east are already zoned R-TH and have been zoned as such since the city-wide mapping which took place in 1995. The *Land Development Code* describes the R-TH district as appropriate for, "...a variety of housing types, including single-family detached, single-family semi-detached, duplex, and townhouse dwellings, at low to moderate residential densities (approximately 11 dwelling units per acre)." Though this district does allow for other nonresidential uses, the intent of this district is to preserve the residential character of a given area.
3. No site plan has been made available for the proposal; however, a site plan is not required for such a rezoning. To better ensure the quality of future construction, the applicant will be required to follow the Affordable Housing Design Guidelines, as indicated in the proposed Conditional Overlay District (COD) No. 222. This is the only requirement of the proposed COD.

Development Review Staff Report



4. Lot 3 (1018 N. Farmer Avenue) does not currently have access to City Utilities water or gas infrastructure; as a result, main extensions will be needed to provide these services to this lot specifically. Lot 2 (1628 W. Scott Street) does not have direct access to public sewer infrastructure, requiring an extension of public sewer to serve this lot unless the applicant reconfigures the property lines via a subdivision process to grant access to public sewer to the west. Should an extension of public sewer be necessary, public improvement plans will need to be reviewed, approved, and constructed (or escrowed) prior to the issuance of future building permits or plats. Regardless of changes to the subdivision or extensions of infrastructure, a sewer impact permit fee will be required for any new construction on this site.
5. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.
6. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

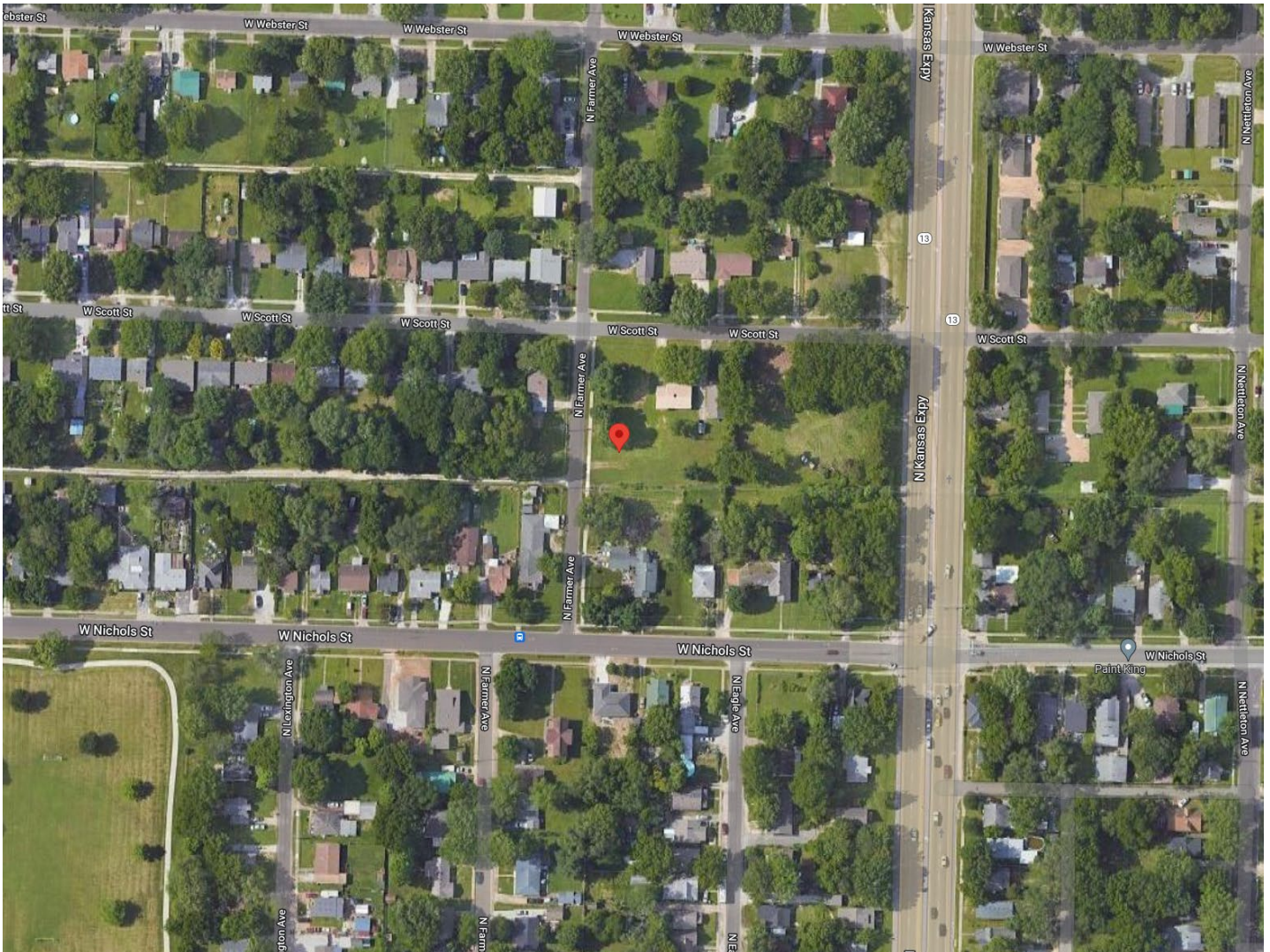
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-TH	R-SF
LAND USE	Single-family residential	Single-family residential	Vacant	Single-family residential

Development Review Staff Report



SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

The subject properties were all zoned R-SF, Single-family residential district as part of the city-wide remapping which took place in 1995. None of the subject properties have been rezoned 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 R-TH
Minimum Yard Requirements	Front yard: 25 feet along a street classified as a Collector or higher, or 15 feet along a street classified as a Local street. Side yard: Five feet for most uses, six feet for townhouses. Rear yard: Equal to 10% of the lot depth, but cannot be narrower than 10 feet and cannot be required to exceed 20 feet.
Maximum Structure Height	35 feet (or two and one-half stories) when side yards are narrower than 15 feet. 45 feet (or three stories) when side yards exceed 15 feet in width.
Minimum Open Space	Not less than 20 percent of the total lot area.
BULK PLANE	BUFFERYARD AND LANDSCAPING
Not applicable.	Not applicable. A bufferyard would only be required if the site were to contain a nonresidential use.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Land Use and Development* chapter of the *Comprehensive Plan* includes this site within the Center City Neighborhood Placetype, which is described as, “Typically [containing] a diverse range of single-family homes with varying architectural styles, setbacks, and parcel sizes.” Consisting of neighborhoods which precede WWII, modern infill within this Placetype, “...can include higher density residential development that [blends] with the surrounding character,” though vacant or otherwise underutilized properties should also be considered for new uses which complement or reinforce the urban fabric of the neighborhood, such as pocket parks, community gardens, or small neighborhood commercial nodes, as well as housing. Planning within this Placetype is meant to improve infrastructure and support development patterns which help make these neighborhoods more complete, diverse, and accessible.

STAFF COMMENTS:

1. The subject properties are currently zoned R-SF, Single-family residential district, and the applicant, RAL Property Management LLC, has requested to rezone the site to R-TH, Residential townhouse district with the intent to

Development Review Staff Report



construct a series of duplexes. Per the area map provided on Page 1 of this report, those properties fronting N. Kansas Expressway to the east are already zoned R-TH and have been zoned as such since the city-wide mapping which took place in 1995. The *Land Development Code* describes the R-TH district as appropriate for, "...a variety of housing types, including single-family detached, single-family semi-detached, duplex, and townhouse dwellings, at low to moderate residential densities (approximately 11 dwelling units per acre)." Though this district does allow for other nonresidential uses, the intent of this district is to preserve the residential character of a given area.

2. No site plan has been made available for the proposal; however, a site plan is not required for such a rezoning. To better ensure the quality of future construction, the applicant will be required to follow the Affordable Housing Design Guidelines, as indicated in the proposed Conditional Overlay District (COD) No. 222 (Attachment 2). This is the only requirement of the proposed COD.
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 January 19, 2023, 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: 146 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. Lot 3 (1018 N. Farmer Avenue) does not currently have access to City Utilities water or gas infrastructure; as a result, main extensions will be needed to provide these services to this lot specifically.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objections to the proposed rezoning. Lot 2 (1628 W. Scott Street) does not have direct access to public sewer infrastructure, requiring an extension of public sewer to serve this lot unless the applicant reconfigures the property lines via a subdivision process to grant access to public sewer to the west. Should an extension of public sewer be necessary, public improvement plans will need to be reviewed, approved, and constructed (or escrowed) prior to the issuance of future building permits or plats. Regardless of changes to the subdivision or extensions of infrastructure, a sewer impact permit fee will be required for any new construction on this site.

FIRE DEPARTMENT:

No issues with the proposed rezoning.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Jordan Creek Lower Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **will be 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

Development Review Staff Report



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.

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. Farmer Avenue and W. Scott Street as Residential Local roadways. The standard right-of-way width from the centerline for N. Farmer Avenue and W. Scott Street is 25 feet. It appears that no additional right-of-way is needed along N. Farmer Avenue or W. Scott Street. A survey is recommended to determine the exact amount of existing right-of-way. N. Farmer Avenue and W. Scott Street are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts for N. Farmer Avenue or W. Scott Street. On-street parking is allowed along N. Farmer Avenue and W. Scott Street.

DRIVEWAY ACCESS

There are no driveway access points onto the properties from N. Farmer Avenue. There are two existing driveway access points onto the properties from W. Scott Street. Access to these properties will be allowed based on existing City of Springfield standards for the street classification.

SIDEWALK

There is existing sidewalk along the property frontage of N. Farmer Avenue. There is existing sidewalk along the north side of W. Scott Street along the property frontage. No additional sidewalks are required for this development.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along N. Farmer Avenue or W. Scott Street near this property.

IMPROVEMENTS

A Traffic Impact Study is not required for this development.

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. Farmer Avenue	Residential Local	Yes	30	25
Street 2	W. Scotty Street	Residential Local	Yes	30	25

Development Review Staff Report



ATTACHMENT 2

CONDITIONAL OVERLAY DISTRICT NO. 222

1. Future construction on the subject sites shall comply with the City of Springfield's Affordable Housing Design Guidelines.

ATTACHMENT 3

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: RSF to RTH
(existing zoning) (proposed zoning)
2. Meeting Date & Time: January 19, 2023 4:30-6:00 pm
3. Meeting Location: Library Station - Santa Fe Room
4. Number of invitations that were sent: 150
5. How the mailing list was generated: the City
6. Number of neighbors in attendance (attach a sign-in sheet): 5
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

NO ISSUES

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

I, Randy Lopez (print name), attest that the neighborhood meeting was held on 1-19-23 (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."

Randy Lopez
Signature of person completing affidavit

Randy Lopez
Printed name of person completing affidavit

Attendees

1-19-23

Nancy McKay
Anna Pageler
Rocky Anderson
Charlie VanZandt
Ashton ?



EXPLANATION TO COUNCIL BILL 2023-057 (HORTON)

FILED: 03/07/2023

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: 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 Troy Acres First Addition, generally located at 520 South Troy Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.) (By: Crawford-Mace, LLC; 520 South Troy Avenue; Preliminary Plat of Troy Acres, First Addition.)

BACKGROUND INFORMATION:

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 Troy Acres First Addition, generally located at 520 South Troy Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

A. An original Preliminary Plat of Troy Acres First Addition dated December 5th, 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 February 9th, 2023, 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 Land Use & Development chapter of the 2022 Forward SGF Comprehensive Plan designates the subject property as Residential Neighborhood: Traditional, which identifies single-family residential homes as a primary land use. The proposed preliminary plat will subdivide the property in a way that will allow the construction of six (6) single-family residential homes. The Plan also encourages the prioritization of infill development of vacant or underutilized property over outward growth, which is accomplished by this plat. The subject property has been vacant since being annexed into the City in 1968.

Submitted By: Jared Follin, Associate City Planner

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

- Attachments:**
1. Preliminary Plat of Troy Acres 1st Addition_ord
 2. Exhibit A, Record of Proceedings
 3. Exhibit B, Development Review Staff Report with 3 Attachments

One-rdg. _____
P. Hrngs. _____
Pgs. 14
Filed: 02-28-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-057

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 Troy Acres First Addition, generally located at
4 520 South Troy Avenue, 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 Troy Acres First Addition, dated
12 December 5, 2022, is on file with the City's Department of Planning and Development;
13 and
14

15 WHEREAS, the Planning and Zoning Commission of the City of Springfield,
16 Missouri, held a public hearing and conditionally approved the Preliminary Plat of Troy
17 Acres First Addition, which is generally located at 520 South Troy Avenue, on February
18 9, 2023, a copy of the Record of Proceedings from said public hearing being attached
19 hereto and incorporated herein by this reference as "Exhibit A."
20

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

24 Section 1 – City Council hereby authorizes the Director of Planning and
25 Development, on behalf of the City of Springfield, to accept the land, easements, and
26 improvements dedicated to the City, as shown on the Preliminary Plat of Troy Acres
27 First Addition, which is generally located at 520 South Troy Avenue, as approved by the
28 Planning and Zoning Commission. The original plat of Troy Acres First Addition is on file
29 in the Department of Planning and Development ("Approved Preliminary Plat"), a
30 reduced version of which is attached hereto for general reference as "Exhibit B –
31 Attachment 3." All of "Exhibit B," including attachments, is incorporated herein by this
32 reference.
33

34 Section 2 – The Director of Planning and Development shall be authorized to
35 accept the land, easements, and improvements dedicated to the City, as shown on said
36 plat, upon the applicant filing and recording a final plat in accordance with this
37 Ordinance and the Subdivision Regulations of the City, which final plat shall
38 substantially conform to the Approved Preliminary Plat, including those conditions
39 described in “Exhibit B – Attachment 2,” and upon the Director of Public Works certifying
40 to the Director of Planning and Development and the City Clerk that the public
41 improvements have been made in accordance with City standards and specifications.
42 Said public improvements shall not be accepted until the occurrence of all conditions
43 referenced herein and in “Exhibit B – Attachment 2.”
44

45 Section 3 – The final plat shall not be recorded until: (1) the public improvements
46 relating to the Approved Preliminary Plat have been constructed according to the
47 specifications of the City of Springfield, Missouri, and are approved by the Director of
48 Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned
49 by or in connection with the construction of said improvements have been paid to the
50 City; or (2) in lieu of the construction of the improvements, that the Applicant has filed
51 with the City Manager, according to the terms of the Subdivision Regulations of the City,
52 the prescribed financial assurances in a form acceptable to the City to ensure the
53 construction of the improvements and the payment to the City of all engineering fees,
54 permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the
55 construction of the improvements.
56

57 Section 4 – Upon compliance with all the requirements of this Ordinance,
58 including the conditions described in “Exhibit B – Attachment 2,” the City Clerk is hereby
59 authorized to endorse City Council’s approval upon the final plat pursuant to Section
60 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public
61 Improvements contained therein.
62

63 Section 5 – This Ordinance shall be in full force and effect from and after its
64 passage.
65

66 Passed at meeting: _____
67

68 _____
69 Mayor
70

71 Attest: _____, City Clerk
72

73 Filed as Ordinance: _____
74

75
76 Approved as to form: Jill Burris, Assistant City Attorney
77

78
79 Approved for Council action: Juan C. Hayes, City Manager

EXHIBIT A

**RECORD OF PROCEEDINGS
PRELIMINARY PLAT – TROY ACRES FIRST ADDITION**

Preliminary Plat of Troy Acres First Addition
520 South Troy Avenue

Applicant: Crawford Mace, LLC

Mr. Hosmer stated that this is a request to approve a preliminary plat for a 6-lot residential subdivision located at 520 South Troy Avenue.

Mr. Jobe opened the public hearing.

Mr. Bill Mace, 2112 State Hwy and here to answer any questions.

Mr. Ted Adams, 315 South Troy Avenue stated his concerns of the street width for the 6 homes as proposed and would like to know if the developer will be fixing the street.

Mr. Lee Viorel for owner at 421 S. Troy Avenue and is against the size of the lots and have 33 landowners who do not approve the density and would like for them to reconsider for 3 lots. He voiced concern for parking, location of driveway access easements, too narrow of street, no curb and gutter and believes this development is not harmonious for the neighborhood. He also talked about the lot size for placement of the houses and garages/carport that would cause possible street parking.

Mr. Lebeck asked for lot sizes surrounding the area and Mr. Viorel was told they are roughly double in size.

Mr. Knuckles as for street and plat requirements, Mr. Zickefoose stated that the city code does not require improvements to the existing street and there are no plans to widen Troy Avenue.

Mr. Jobe asked for advisement on the discretion to consider for the subdivision. Mr. Hosmer stated that meeting the standard is what the Commission is to assess.

Mr. Colony (Duke Avenue) noted the neighboring lot sizes and point out that they are only a bit larger than the proposed development.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Preliminary Plat of Troy Acres 1st Addition (520 South Troy Avenue). Mr. Knuckles seconded the motion. Ayes: Jobe, Broekhoven, Colony, Pauly, Lebeck, Knuckles, Ridge, and Gunther. Nays: None. Abstain: None. Absent: Scott.



Bob Hosmer, AICP
Planning Manager

Development Review-Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

CITY COUNCIL PUBLIC HEARING:

FEBRUARY 9, 2023

MARCH 6, 2023

CASE: Preliminary Plat of Troy Acres First Addition

ACRES: Approximately 1.13 acres

LOCATION: 520 South Troy Avenue

EXISTING LAND USE: Vacant land

APPLICANT: Crawford-Mace, LLC

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

STAFF RECOMMENDATIONS:
Approve w/Conditions

PROPOSED MOTION: Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).



SUMMARY OF REQUEST:

Request to approve the preliminary plat of Troy Acres First Addition, a 6-lot, 1.13-acre, single-family residential subdivision generally located at 520 South Troy Avenue.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The applicant's proposal, with the conditions listed below are consistent with the City's *Subdivision Regulations*.

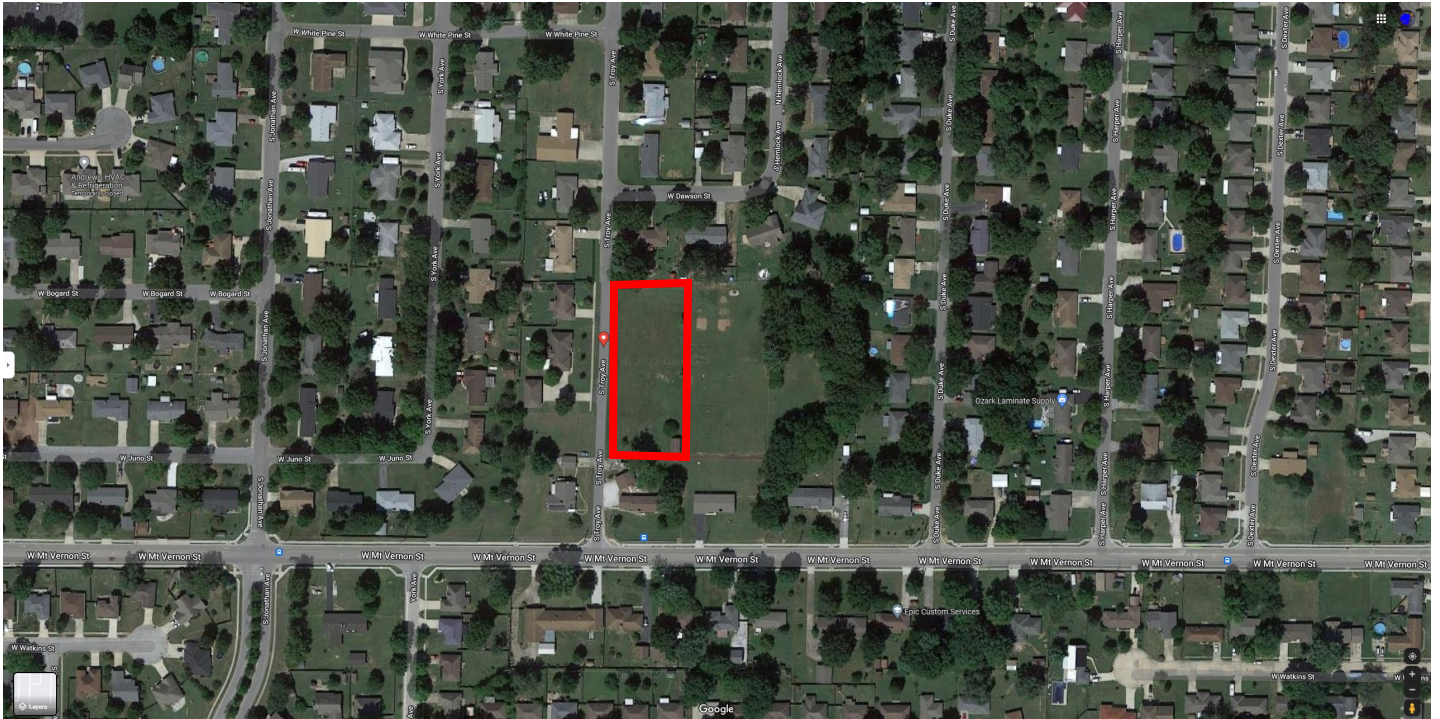
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-SF	R-SF
LAND USE	Single family residences	Single family residences	Single family residences	Single family residences

Development Review Staff Report



SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



GOOGLE MAPS STREET VIEW:



**CITY OF
Springfield**



Typically characterized by a diverse range of single-family homes with varying architectural styles, setbacks, and parcel sizes.

Post-war residential neighborhoods that contain predominantly single-family detached dwellings with uniform setbacks, building designs, and parcel sizes.

Primarily higher density single-family attached and multifamily residential dwellings. This includes townhomes, rowhomes, duplexes, apartments, student housing, and single-family detached homes that have been converted into multiunit dwellings.

Serves as the primary activity center of Springfield, containing a wide variety of uses, such as retail, entertainment, office, hospitality, institutional, multifamily residential, and public gathering spaces.

Functions as small-scale activity centers that provide a mix of residential, shopping, service, office, entertainment, and dining options. They can include vertically stacked or horizontally laid out mixed of uses.

Predominantly consists of commercial and service-related development varying in scale, ranging from standalone businesses to large retail centers.

Contains institutional uses, such as universities, museums, community centers, municipal facilities, and large religious complexes, as well as major medical and office parks.

Includes areas with an eclectic mix of light industrial and office uses, complemented by the occasional commercial use, that serve as centers of employment opportunities.

Consists of light and heavy industrial uses dedicated to a range of industries, such as manufacturing, packaging, warehousing, storage, transportation, commerce, and distribution.

Consists of Springfield's most significant natural areas as well as major community parks, sports complexes, recreational facilities, and community and educational centers that draw both residents and regional visitors.

Development Review Staff Report



PROPERTY HISTORY:

The property was annexed into the City in 1968 and was first subdivided in 2019 as "Lot 1" under Troy Acres subdivision. The original Preliminary Plat of Troy Acres First Addition was approved in 2020 but expired.

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: R-SF, Single-Family Residential District
Minimum Lot Size	6,000 square feet
Maximum Structure Height	When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Front Yard Setback	Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453. Fifteen feet along a street classified as a local street or as required by section 36-453 (garages shall be set back a minimum of 20 feet).
Side and Rear Setbacks	Side – 5 feet Rear – 10% of lot depth
Street Classification	Troy Avenue – Local
Sidewalks (Per Sec.36-471)	Sidewalk is required to be constructed along the west side of S. Troy Avenue as a portion of sidewalk already exists along the west side.
Open Space Requirement	Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Land Use & Development* chapter of the 2022 *Forward SGF Comprehensive Plan* designates the subject property as Residential Neighborhood: Traditional, which identifies single-family residential homes as a primary land use. The proposed preliminary plat will subdivide the property in a way that will allow the construction of six (6) single-family residential homes. *The Plan* also encourages the prioritization of infill development of vacant or underutilized property over outward growth, which is accomplished by this plat. The subject property has been vacant since being annexed into the City in 1968.

STAFF COMMENTS:

1. The applicant is proposing a 6-lot subdivision named "Troy Acres First Addition". The original Preliminary Plat of Troy Acres First Addition was approved in 2020 but expired in 2022.
2. All proposed lots meet the minimum requirements of the subdivision regulations.
3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
4. The proposed preliminary plat was reviewed by City departments and comments are contained in **Attachment 1**. Conditions of Approval are provided in **Attachment 2**. The Preliminary Plat drawing is provided 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 prelim plat, however, CU is requesting a 10 ft utility easement along the Troy Ave frontage of all lots. This can be added to the final plat. All lots have access to Electric & Water, but there is a fee due of \$6,968.29 for an additional public fire hydrant to be installed.

ENVIRONMENTAL SERVICES CLEAN WATER SERVICES COMMENTS:

Please add minimum finished floor elevations for each lot on the final plat.

PUBLIC WORKS CONSTRUCTION INSPECTION COMMENTS:

If required, PW plans must be constructed and accepted prior to approval of final plat. If allowed, a security (escrow) could be placed in lieu of construction prior to approval of final plat.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

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

The preliminary plat shows the drainage easement for the future detention and water quality basin. 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 is required with the development draining onto residential properties.
2. City of Springfield only allows three acceptable methods of discharge for stormwater if a property has been modified to increase the amount, location, or character of discharge per Chapter 2 Sec 4.1.4.
 - a. To a Public Right-of-way (1); a recorded drainage easement, continuing to a public right-of-way or public drainage system (2); or a certified natural watercourse (3)
 - b. If none of the three options are available then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.

Water Quality Requirements:

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

Additional Stormwater Standards to be met:

1. A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
2. As-builts of the detention and water quality improvements are required. we would like the following as-built notes on the plans:

Development Review Staff Report



- a. The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.
3. Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the process and will be reviewed by ES-Water Quality per Chapter 12 Sec. 3.0.
4. Include on the Plans a calculation of the Existing Impervious Surface Area, Existing Open Space Area, Post Development Impervious Surface Area, and Post Development Open Space Area. Per Chapter 4 Sec 3.2 for Detention Summary
 - a. Existing gravel surfaces meeting the above definition are eligible for 50% Credit.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

No issues with the preliminary plat.

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Troy Avenue as a Residential Local roadway. The standard right-of-way width for S. Troy Avenue is 25-feet from the centerline. It appears no additional right-of-way is needed along S. Troy 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. Troy Avenue is a city-maintained roadway.

TRAFFIC COUNTS & ON-STREET PARKING

There is no recent traffic count on S. Troy Avenue. On-street parking is allowed along S. Troy Avenue.

DRIVEWAY ACCESS

There are currently no driveway access points onto the properties from S. Troy Avenue. Current City Code requires access on S. Troy Avenue to be a minimum of 20-feet from the edge of driveway to the edge of driveway.

SIDEWALK

There is no existing sidewalk along the property frontage of S. Troy Avenue. There is existing sidewalk along the west side of S. Troy Avenue. Sidewalk is required to be extended along the west side of S. Troy Avenue in front of this property to current City Standards at the time of development.

IMPROVEMENTS

None required at this time. A Traffic Impact Study was not required, as there is no proposed change in zoning or use.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	S. Troy Avenue	Local - Residential	Yes	25	25

Development Review Staff Report



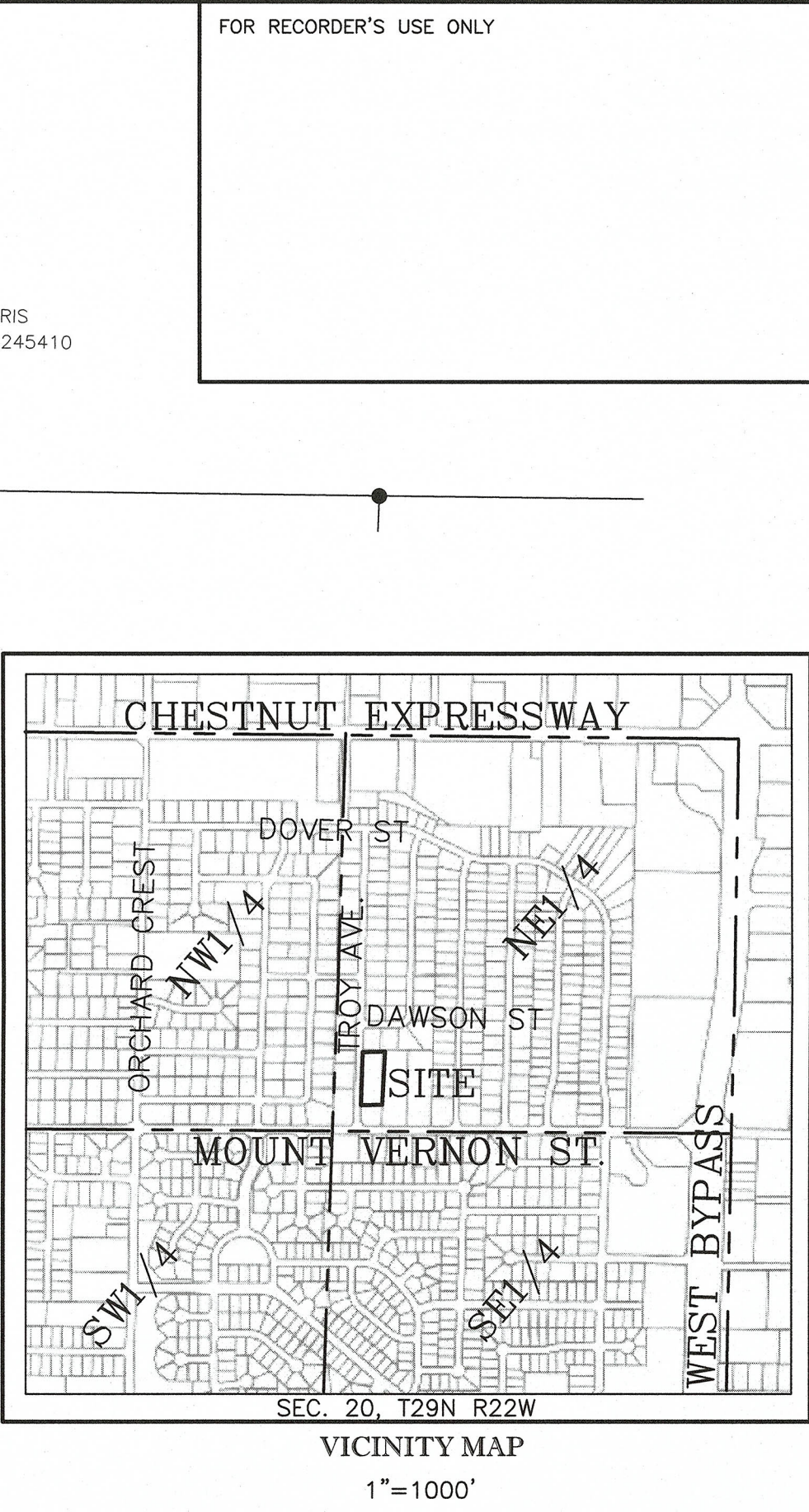
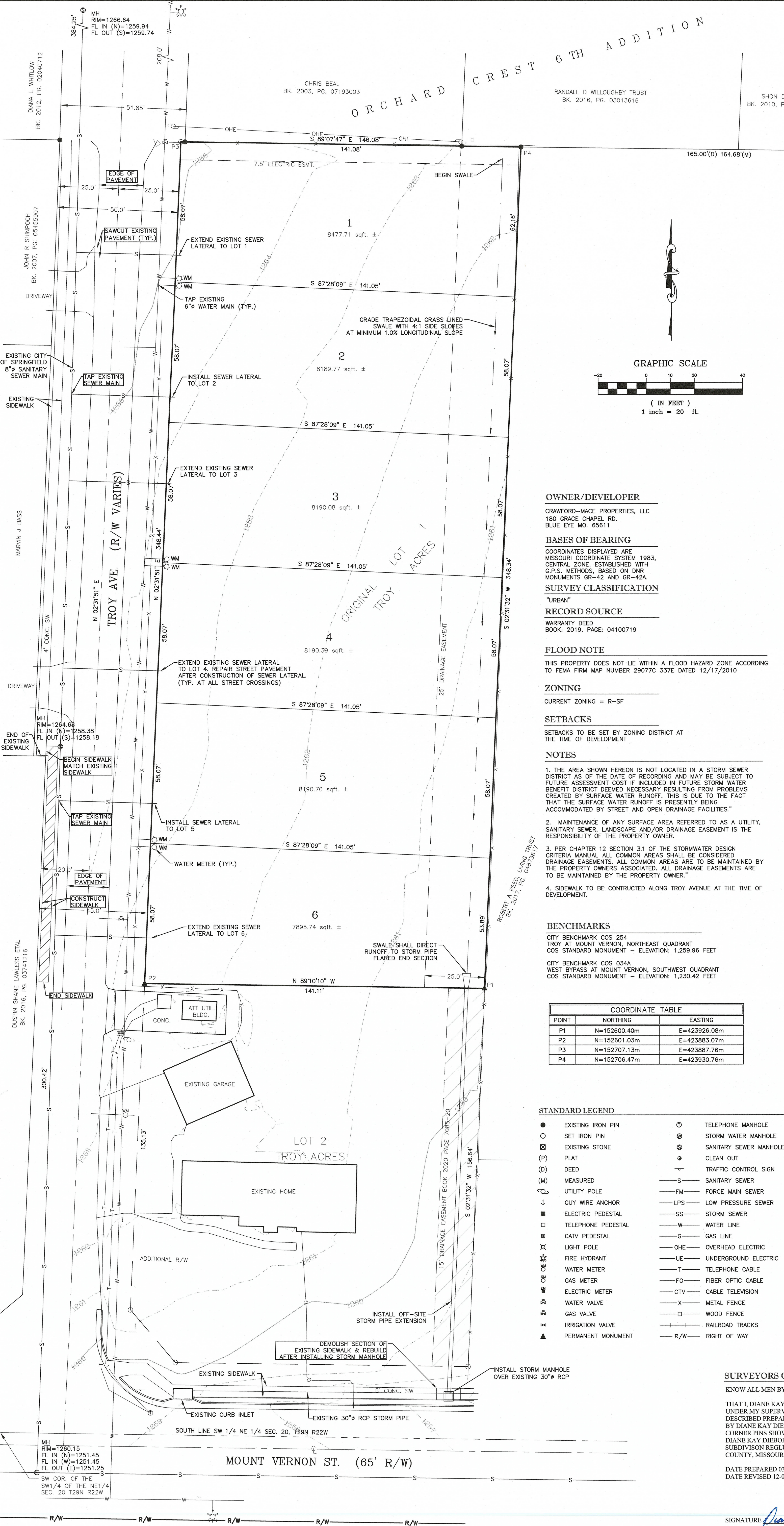
REQUIREMENTS FOR APPROVAL:

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.



ACKNOWLEDGMENT

STATE OF MISSOURI }
COUNTY OF GREENE } SS

ON THIS DAY OF 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE OF MISSOURI, PERSONALLY APPEARED WILLIAM MACE, TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN DID SAY THAT HE IS THE MANAGING MEMBER OF CRAWFORD-MACE, LLC, A LIMITED LIABILITY COMPANY OF THE STATE OF MISSOURI, AND THAT SAID DOCUMENT WAS SIGNED IN BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS MEMBERS AND SAID WILLIAM MACE ACKNOWLEDGED SAID DOCUMENT TO BE THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES HEREIN STATED.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED BY OFFICIAL SEAL AT THE DAY AND YEAR ABOVE WRITTEN,

NOTARY PUBLIC, PRINT NAME,

APPROVED THE DAY OF 2022, BY THE PLANNING AND ZONING COMMISSION OF SPRINGFIELD, MISSOURI.

SUSAN ITENES, AICP
DIRECTOR OF PLANNING AND DEVELOPMENT

APPROVAL CITY COUNCIL

I, ANITA COTTER, CITY CLERK OF SPRINGFIELD, GREENE COUNTY, MISSOURI, DO HEREBY CERTIFY THAT THE PLAT OF TROY ACRES FIRST ADDITION SUBDIVISION WAS PRESENTED TO, ACCEPTED AND APPROVED BY THE COUNCIL OF SAID CITY OF SPRINGFIELD, AND APPROVED BY SPECIAL ORDINANCE NO. ON THIS DAY OF 2022.

ANITA J. COTTER
CITY CLERK

RECORD DESCRIPTION (PARENT TRACT)

ALL OF LOT 1 TROY ACRES, ACCORDING TO THE RECORDED PLAT THEREOF, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

DESCRIPTION AND EXECUTION OF PLAT:

I, THE UNDERSIGNED, WILLIAM MACE, IS THE OWNER IN FEE SIMPLE OF THE PROPERTY DESCRIBED BELOW:

A TRACT OF LAND BEING PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 29 NORTH, RANGE 22 WEST IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF LOT 1 TROY ACRES SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

SAID LAND HAS BEEN SURVEYED AND SUBDIVIDED IN THE MANNER SHOWN HEREON AND SAID SUBDIVISION SHALL HEREAFTER BE KNOWN AS TROY ACRES FIRST ADDITION SUBDIVISION, ALL EASEMENTS, ADDITIONAL RIGHTS-OF-WAY SHOWN ON PLAT AND NOT HERETOFORE DEDICATED TO THE PUBLIC USE ARE HEREBY SO DEDICATED.

AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF SPRINGFIELD, MISSOURI TO LOCATE AND MAINTAIN, AND TO AUTHORIZE THE LOCATION, CONSTRUCTION, MAINTENANCE, OR USE OF CONDUITS, FOR ALL AND ANY PURPOSE, WATER, GAS, AND SEWER MAINS, POLES, WIRES, ANCHORS AN APPURTENANCES THERETO, OR ANY OR ALL OF THEM OPEN, UNDER AND ALONG THE STRIP OF LAND OUTLINED ON THIS PLAT AND DESIGNATED "UTILITY EASEMENT" OR "UTIL. ESMT."

BUILDING LINES OR SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR OTHERWISE LOCATED BETWEEN THIS LINE AND THE LOT OR STREET LINE, DESIGNATED "BUILDING SETBACK", "BLDG. SETBACK", OR "B.L."

ALL STREETS ARE HEREBY DEDICATED TO THE PUBLIC.

IN TESTIMONY WHEREOF, THE UNDERSIGNED TRUSTEE HAS HEREUNTO SET THEIR HAND THIS DAY OF 2022.

WILLIAM MACE

SURVEYORS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DIANE KAY DIEBOLD, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED PREPARED BY DIANE KAY DIEBOLD DATED MARCH 21, 2017 AND SIGNED BY DIANE KAY DIEBOLD L.S. NO. 2424 AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACE UNDER THE PERSONAL SUPERVISION OF DIANE KAY DIEBOLD L.S. NO. 2424 IN ACCORDANCE WITH SECTION 410.5 OF THE SUBDIVISION REGULATIONS, ARTICLE II, OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

DATE PREPARED 03-02-2020
DATE REVISED 12-05-2022

SIGNATURE
DIANE KAY DIEBOLD MISSOURI L.S. NO. 2424



ALL PLATS THAT DO NOT SHOW A SEAL IMPRINT IN RED INK MAY HAVE BEEN FRAUDULENTLY ALTERED. ALL INFORMATION SHOULD BE DISREGARDED UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS ON THIS DOCUMENT.

SURVEYED FOR: CRAWFORD-MACE, LLC

SECTIONAL MAP R 22 W

W.O.# 219024.02A
DATE: 12-05-2022
DRAWN BY: TRR
CHECKED BY: DKD
REVISED:
SCALE: 1" = 20'
SHEET: 1 OF 1

PRELIMINARY PLAT OF
TROY ACRES FIRST ADDITION
3843 W. MT VERNON STREET
CITY OF SPRINGFIELD
GREENE COUNTY, MISSOURI

REVISIONS

ROZELL SURVEY CO.
4270 S. HILLCREST STE 211
SPRINGFIELD, MISSOURI 65810
PHONE: (417) 881-0505
FAX: (417) 881-0564



EXPLANATION TO COUNCIL BILL 2023-059 (MCGULL)

FILED: 03/10/2023

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: A resolution authorizing the City Manager, or his designee, to apply for federal pass-through grant funds in the amount of \$400,000, from the Missouri Department of Natural Resources Section 319 Nonpoint Source Pollution Grant Program, for the Westport Branch Green Infrastructure Project.

BACKGROUND INFORMATION: The Department of Environmental Services anticipates constructing a green infrastructure project along Westport Branch, a tributary of the North Branch of Wilsons Creek. The proposed project, located near the 2600 block of Chestnut Expressway, may include a naturalized stream channel, rain gardens, and native plantings to provide water quality treatment for the estimated 600-acre watershed and address water quality impairments in downstream waterways. The proposed project will also include public education/outreach components and water quality monitoring.

If awarded, this 319 Nonpoint Source Pollution Grant will be used to fund this green infrastructure project. The required 40% match will be provided with green infrastructure project funding that will be budgeted from the Clean Water Fund.

REMARKS: Environmental Services recommends approval of this Council Bill.

Submitted By: Ron Petering, Assistant Director of Environmental Services

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Maurice S. Jones, Deputy City Manager 3/6/2023

Attachments: 1. Westport Branch 319 Grant_ord

One-rdg. X
P. Hrngs.
Pgs. 3
Filed 03-14-23

Sponsored by McGull

COUNCIL BILL 2023-059 RESOLUTION

A RESOLUTION

1 AUTHORIZING the City Manager, or his designee, to apply for federal pass-through
2 grant funds in the amount of \$400,000, from the Missouri Department
3 of Natural Resources Section 319 Nonpoint Source Pollution Grant
4 Program, for the Westport Branch Green Infrastructure Project.
5
6

7 WHEREAS, the Department of Environmental Services anticipates constructing a
8 green infrastructure project along Westport Branch, a tributary of the North Branch of
9 Wilsons Creek; and
10

11 WHEREAS, the Missouri Department of Natural Resources ("MDNR") has
12 federal pass-through grant funds available through the 319 Nonpoint Source Pollution
13 Grant Program; and
14

15 WHEREAS, if the City's application is granted, the 319 Nonpoint Source Pollution
16 Grant funds will be used to fund green infrastructure that may include a naturalized
17 stream channel, rain gardens, and native plantings to provide water quality treatment for
18 the estimated 600-acre watershed and address water quality in downstream waterways.
19

20 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
21 SPRINGFIELD as follows, that:
22

23 Section 1 – The City Manager, or his designee, is hereby authorized to apply for
24 a grant from the MDNR Section 319 Nonpoint Source Pollution Grant Program in the
25 amount of \$400,000.
26

27 Section 2 - This Resolution shall be effective immediately upon adoption.
28

29 Passed at meeting:
30

31
32
33 Mayor

34 Attest: , City Clerk
35

36 Filed as Resolution _____

37

38

39 Approved as to form: Jim Millington, Deputy City Attorney

40

41

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



EXPLANATION TO COUNCIL BILL 2023-060 (SCHILLING)

FILED: 03/10/2023

ORIGINATING DEPARTMENT: Public Works

PURPOSE: A special ordinance authorizing the City Manager, or his designee, to enter into a Municipal and Cost Apportionment First Supplemental Agreement with the Missouri Highways and Transportation Commission to share costs associated with improvements to the intersection of Missouri Highway 13 and Walnut Lawn Street; amending the Fiscal Year 2022-2023 budget for the Department of Public Works in the amount of \$450,885 to appropriate additional Surface Transportation Block Grant – Urban funds; and declaring that this Ordinance qualifies for approval in one reading.

BACKGROUND INFORMATION: Purpose: Authorizing the City Manager, or his designee, to enter into a Municipal and Cost Apportionment First Supplemental Agreement (“Exhibit 1”) with the Missouri Highways and Transportation Commission (“MHTC”), to share costs associated with the intersection of MO 13 (Kansas Expressway) and Walnut Lawn Street improvements, and amending the Fiscal Year 2022-2023 budget for the Department of Public Works in the amount of \$450,885 to appropriate additional federal Surface Transportation Block Grant (“STBG”) - Urban funds for this project.

This Municipal and Cost Apportionment First Supplemental Agreement shares the new estimated \$3,518,215 cost for preliminary engineering, right of way acquisition and incidentals, utility relocation, project construction, and inspection associated with the intersection improvements. The City will contribute \$1,759,107.50 (50 percent) of this cost. The City’s contribution will be funded 80 percent from STBG-Urban funds (\$1,407,286) and 20 percent from the 1/8-cent Transportation Sales Tax (\$351,821.50).

Additionally, the proposed Agreement includes language that project cost overruns will be shared 50/50 between the MHTC and City. For cost overruns up to \$703,643 (20% of estimated \$3,518,215), the City’s 50% share (up to \$351,821.50) will be funded approximately 80% by STBG-Urban funds (\$281,457) and 20% by the 1/8-cent Transportation Sales Tax (\$70,364.50). This provides that a total of up to \$1,688,743 may be funded by STBG-Urban funds. This is \$450,885 over the original agreement and this amount is being budgeted with this Council bill. The City’s share of cost overruns beyond \$703,643, if any, would be funded from the 1/8-cent Transportation Sales Tax. The 1/8-cent Transportation Sales Tax funds needed for this project are already budgeted.

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



Supports the following City Council Priorities:

Public safety
Economic vitality
Fiscal sustainability

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

Submitted By: Martin Gugel, Assistant Director of Public Works

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

Dan Smith, Director of Public Works 3/2/2023

Maurice S. Jones, Deputy City Manager 3/6/2023

Attachments:

1. Kansas & Walnut Lawn Intersection Improvements_Ord
2. Kansas & Walnut Lawn_exh1
3. Kansas Walnut Lawn_BA_exh2

One-rdg. X
P. Hrngs.
Pgs. 11
Filed: 03-14-23

Sponsored by: Schilling

First Reading:

Second Reading:

COUNCIL BILL 2023-060

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Municipal and Cost
2 Apportionment First Supplemental Agreement with the Missouri
3 Highways and Transportation Commission to share costs associated
4 with improvements to the intersection of Missouri Highway 13 and
5 Walnut Lawn Street; amending the Fiscal Year 2022-2023 budget for
6 the Department of Public Works in the amount of \$450,885 to
7 appropriate additional Surface Transportation Block Grant – Urban
8 funds; and declaring that this Ordinance qualifies for approval in one
9 reading.

10
11
12 WHEREAS, on July 7, 2020, the Missouri Highway and Transportation
13 Commission (“MHTC”) and the City entered into a Municipal and Cost Apportionment
14 Agreement as to public improvements to the intersection of Missouri Highway 13, also
15 known as Kansas Expressway, and Walnut Lawn Street, and such improvements were
16 originally estimated to cost \$3,094,646; and

17
18 WHEREAS, the new estimated cost for preliminary engineering, right-of-way
19 acquisition and incidentals, utility relocation, project construction, and inspection is
20 \$3,518,215; and

21
22 WHEREAS, the City will contribute fifty (50) percent of the cost, currently
23 estimated at \$1,759,107.50, of which eighty (80) percent will be funded by Surface
24 Transportation Block Grant-Urban funds (\$1,407,286.00) and twenty (20) percent will be
25 funded by 1/8-cent Transportation Sales Tax funds (\$351,821.50); and

26
27 WHEREAS, any cost overruns will be evenly shared between the MHTC and the
28 City, with the City’s share of cost overruns being funded from the 1/8-cent
29 Transportation Sales Tax.

30
31 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
32 SPRINGFIELD, MISSOURI, as follows, that:
33

34 Section 1 – City Council hereby authorizes the City Manager, or his designee, to
35 enter into a Municipal and Cost Apportionment First Supplemental Agreement in
36 substantial conformity with “Exhibit 1” attached hereto and incorporated herein by
37 reference.
38

39 Section 2 – The budget of the Department of Public Works for Fiscal Year 2022-
40 2023 is hereby amended in the accounts and in the amounts shown on Budget
41 Adjustment No. 041, a copy of which is attached hereto and incorporated herein by
42 reference as “Exhibit 2.”
43

44 Section 3 – City Council finds that the budget adjustment made above has been
45 recommended by the City Manager.
46

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

52 Section 5 – City Council hereby finds and declares that this Ordinance may be
53 passed as a one-reading Ordinance under City Charter Section 2.16(25) as it relates to
54 a contract for the acceptance of grant funds from a state or federal agency. Therefore,
55 this Ordinance shall be in full force and effect from and after passage.
56

57 Passed at meeting: _____
58

59 _____
60 Mayor
61

62 Attest: _____, City Clerk
63

64 Filed as Ordinance: _____
65

66 _____
67 Approved as to form: , Assistant City Attorney
68

69 _____
70 Approved for Council action: , City Manager

CCO Form: DE63
 Approved: 12/17 (BDG)
 Revised: 12/21 (BDG)
 Modified: 01/23 (BDG)

Municipal and Cost Apportionment Agreement
 Route: 13 (Kansas Expressway)
 County: Greene
 Job No.: 8P3087F
 Agreement #2022-12-75000

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
 MUNICIPAL AND COST APPORTIONMENT AGREEMENT
 FIRST SUPPLEMENTAL AGREEMENT**

THIS FIRST SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Missouri, a municipal corporation (hereinafter, "City").

WITNESSETH:

WHEREAS, on July 7, 2020 the Commission and the City previously entered into a *Municipal and Cost Apportionment Agreement*, #2019-08-52807, as to public improvements designated as 8P3087F, for the construction of turn lane addition, signal improvements, and pedestrian accommodations (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the City now desire to revise the Original Agreement as provided in this First Supplemental Agreement (hereinafter, "First Supplemental Agreement").

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

(1) REVISION TO PARAGRAPH (7) OF ORIGINAL AGREEMENT: Paragraph (7) PAYMENT RESPONSIBILITIES of the Original Agreement is hereby removed and replaced with the following:

(7) PAYMENT RESPONSIBILITIES: With regard to payment responsibilities under this Agreement, the parties agree to as follows:

(A) The total project cost is estimated to be three million five hundred eighteen thousand two hundred fifteen dollars (\$3,518,215). The total project cost will include preliminary engineering, right of way, incidentals, utilities, construction and inspection. The details of the estimated cost breakdown are listed in "Exhibit B", which is attached hereto and made part hereof.

(B) The City will be responsible for fifty percent (50%) of the total project cost. The current estimate of the City's responsibilities is one million seven hundred fifty-nine thousand one hundred seven and

50/100 dollars (\$1,759,107.50). The City agrees that the Commission may program eighty percent (80%) of the City's share of its responsibilities up to a maximum of one million four hundred seven thousand two hundred eighty-six dollars (\$1,407,286) from Surface Transportation Block Grant - Urban (STBG-U) funds allocated by the Ozarks Transportation Organization in partial fulfillment of the City's obligation for payment for the project. The remainder of the City's contribution shall consist of the twenty percent (20%) match for the City's STBG funds, currently estimated to be three hundred fifty-one thousand eight hundred twenty-one and 50/100 dollars. (\$351,821.50). The City has remitted a check in the amount of sixty thousand two hundred fifty-six and 12/100 dollars (\$60,256.12) to cover right of way and utility costs on July 6, 2021, the year in which right-of-way funding was programmed in the Commission's Statewide Transportation Improvement Program. The City shall remit a check in the amount of two hundred ninety-one thousand five hundred sixty-five and 38/100 dollars (\$291,565.38) to cover estimated construction costs no later than five (5) days prior to the Commission's advertisement of the project for bids. This check should be made payable to the *Missouri Highway and Transportation Commission – Local Fund*. If the City fails to make any of the required deposits, the Commission is under no obligation to continue with the project.

(C) The Commission will pay for fifty percent (50%) of the total project cost, currently estimated at one million seven hundred fifty-nine thousand one hundred seven and 50/100 dollars (\$1,759,107.50). The Commission will receive a credit for engineering services and right-of-way incidentals, currently estimated to be six-hundred ninety-three thousand dollars (\$693,000), to be applied toward the Commission's responsibilities for this agreement through all project phases. The remainder of the Commission's responsibilities will come its Southwest District distributed funds.

(D) The City and Commission shall equally share responsibility for the balance of the project cost in excess of three million five hundred eighteen thousand two hundred fifteen dollars (\$3,518,215), and will share cost underruns based on pro rata share of the investment. The City agrees that the Commission may program eighty percent (80%) of the City's share of its responsibility for overruns, up to a maximum of two hundred eighty-one thousand four hundred fifty-seven dollars (\$281,457) from Surface Transportation Block Grant – Urban (STBG-U) funds, allocated by the Ozarks Transportation Organization. The remainder of the city's responsibility shall consist of the twenty percent (20%) match for the City's STBG funds. Any overruns exceeding the maximum STBG-U allocation for overruns plus the local match shall be paid for entirely by local funds.

(E) If, at the time of the letting, the lowest responsive bid is

higher than the estimated construction and inspection cost amount, the City, upon written notification from the Commission shall remit a check in the amount of its share of the difference between the estimated amount and the lowest responsive bid no later than one (1) day prior to the date of the Commission meeting wherein the subject bid will be considered for award or a later date set by the Commission in its sole discretion. In the event the Commission, in its sole discretion, extends the day the City payment is due, it shall notify the City of the new due date in writing, which shall be binding immediately upon the City's receipt of the written notice. The check must be made payable to the *Missouri Highways and Transportation Commission – Credit Local Fund*. The Commission, in its sole discretion, reserves the right to take action at the said Commission meeting and either reject all bids if the City fails to make the payment by the due date, or award the contract to the lowest responsive bidder contingent upon receipt of the additional funds from the City by the extended due date. If the Commission makes a contingent award of the contract and the City fails to make the required deposit(s) by the extended due date, the contingency of the contract award by the Commission shall be deemed unsatisfied, the award of the contract shall be deemed null and void and the Commission shall be under no obligation to continue with the project.

(2) REVISION TO "EXHIBIT B" OF THE ORIGINAL AGREEMENT: "Exhibit B" of the Original Agreement is hereby removed and replaced with "Exhibit B to the First Supplemental Agreement", attached hereto and made part thereof.

(3) ORIGINAL AGREEMENT: Except as amended, modified, or supplemented by this First Supplemental Agreement, terms and conditions of the Original Agreement between the parties shall remain in full force and effect and the unaltered provisions of the Original Agreement and shall extend and apply to this First Supplemental Agreement.

[remainder of page intentionally left blank]

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

Executed by the City on _____ (Date).

Executed by the Commission on _____ (Date).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD, MISSOURI

Chief Engineer

Deputy City Manager

ATTEST:

ATTEST:

Secretary to the Commission

City Clerk

Director of Finance

Contract Paralegal

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Commission Counsel

Assistant City Attorney

Ordinance Number _____

Exhibit B

Project Name: Kansas Expressway & Sunset Intersection
MoDOT Project Number: J8P3087F
Description: Add turn lanes, signal improvements, and pedestrian accommodations at the intersection of Kansas Expressway (Rte. 13) and Walnut Lawn Street

Definition of “Total Project” for Cost Apportionment Includes:

Preliminary Engineering	ROW Incidentals	Utilities
ROW	Construction	Construction Engineering

Definition of “Total Project” for Cost Apportionment Excludes:

Cost to Accelerate Project		

Project Estimate

	Current Estimate and Inflation	Cost Apportionment Eligible
Preliminary Engineering	\$ 413,000	\$ 413,000
Right of Way	\$ 178,000	\$ 178,000
Right of Way Incidentals	\$ 8,000	\$ 8,000
Utilities	\$ 289,626	\$ 289,626
Construction w/ Contingency	\$ 2,357,589	\$ 2,357,589
Non-contractuals	\$ -	\$ -
Inspection and Letting	\$ 272,000	\$ 272,000
Total	\$ 3,518,215	\$ 3,518,215

Project Responsibilities:

Preliminary Engineering	MoDOT
ROW Acquisition	MoDOT
Letting	MoDOT
Inspection	MoDOT

Financial Responsibilities:

City of Springfield Local Funds	\$ 351,821.50	Total Local Share
City of Springfield STBG-U	\$ 1,407,286	\$ 1,759,107.50
		50.0%
MoDOT SW in-kind	\$ 693,000	Total MoDOT Share
MoDOT Flexible Funds	\$ 1,066,107.50	\$ 1,759,107.50
		50.0%

How are overruns and underruns handled?

The City and Commission shall share responsibility for the balance of the project cost in excess of \$3,518,215 equally. The City may provide eighty percent (80%) of the City’s share of its responsibility for overruns, up to a maximum of two hundred eighty-one thousand four hundred fifty-seven dollars (\$281,457) from Surface Transportation Block Grant – Urban (STBG-U) funds. The remainder of the city’s responsibility shall consist of the

twenty percent (20%) match for the City's STBG funds. Any overruns exceeding the maximum STBG allocation for overruns plus the local match shall be paid for entirely by local funds. The Commission and City will share cost underruns equally, with the City's share of underruns based on their prorate share of the investment.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment
041

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	102823	00000	\$450,885	Federal STBG Grant Revenues - Kansas Expressway & Walnut Lawn Street Intersection Improvements
Net Revenue Adjustment						\$450,885	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	509110	102823	00000	\$450,885	Kansas Expressway & Walnut Lawn St. Intersection Imp.
Net Expenditure Adjustment						\$450,885	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating \$450,885 of federal STBG grant funds for 80% of the City's share of the increase in estimated costs of the Kansas Expressway and Walnut Lawn Street Intersection Improvements based on the proposed First Supplemental Municipal & Cost Apportionment Agreement. The remaining 20% of the City's share of the increase in estimated costs will be funded by the 1/8 Cent Transportation Sales Tax that is already budgeted.

Requested By:

Dan Smith 3-14-2023
Department Head Date

Approved By:

DL Hill 3-14-2023
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2023-060
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-061 (SCHILLING)

FILED: 03/10/2023

ORIGINATING DEPARTMENT: Public Works

PURPOSE: A special ordinance authorizing the City Manager or his designee to enter into a Municipal and Cost Apportionment First Supplemental Agreement with the Missouri Highways and Transportation Commission to share costs associated with improvements to the intersection of Missouri Highway 13 and Sunset Street; amending the Fiscal Year 2022-2023 budget for the Department of Public Works to appropriate additional Surface Transportation Block Grant – Urban funds; and declaring this Ordinance qualifies for approval in one reading.

BACKGROUND INFORMATION:

Purpose: Authorizing the City Manager, or his designee, to enter into a Municipal and Cost Apportionment First Supplemental Agreement (“Exhibit 1”) with the Missouri Highways and Transportation Commission (“MHTC”), to share costs associated with the intersection of MO 13 (Kansas Expressway) and Sunset Street improvements, and amending the Fiscal Year 2022-2023 budget for the Department of Public Works in the amount of \$410,829.80 to appropriate additional federal Surface Transportation Block Grant (“STBG”) - Urban funds for this project.

This Municipal and Cost Apportionment First Supplemental Agreement shares the new estimated \$3,132,445.00 cost for preliminary engineering, right of way acquisition and incidentals, utility relocation, project construction, and inspection associated with the intersection improvements. The City will contribute \$1,566,222.50 (50 percent) of this cost. The City’s contribution will be funded 80 percent from STBG-Urban funds (\$1,252,978.00) and 20 percent from the 1/8-cent Transportation Sales Tax (\$313,244.50).

Additionally, the proposed Agreement includes language that project cost overruns will be shared 50/50 between the MHTC and City. For cost overruns up to \$626,489.00 (20% of estimated \$3,132,445.00), the City’s 50% share (up to \$313,244.50) will be funded approximately 80% by STBG-Urban funds (\$250,595.00) and 20% by the 1/8-cent Transportation Sales Tax (\$62,649.50). This provides that a total of up to \$1,503,573.00 may be funded by STBG-Urban funds. This is \$410,829.80 over the original agreement and this amount is being budgeted with this Council bill. The City’s share of cost overruns beyond \$626,489.00, if any, would be funded from the 1/8-cent Transportation Sales Tax. The 1/8-cent Transportation Sales Tax funds needed for this project are already budgeted.

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



Supports the following City Council Priorities:

- Public safety
- Economic vitality
- Fiscal sustainability

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

Submitted By: Martin Gugel, Assistant Director of Public Works

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

Dan Smith, Director of Public Works 3/2/2023

Maurice S. Jones, Deputy City Manager 3/7/2023

Attachments:

1. Kansas & Sunset Intersection Improvements_Ord
2. Kansas & Sunset_exh1
3. Kansas Sunset_BA_exh2

One-rdg. X
P. Hrngs.
Pgs. 10
Filed: 03-14-23

Sponsored by: Schilling

First Reading:

Second Reading:

COUNCIL BILL 2023-061

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager or his designee to enter into a Municipal and Cost
2 Apportionment First Supplemental Agreement with the Missouri
3 Highways and Transportation Commission to share costs associated
4 with improvements to the intersection of Missouri Highway 13 and
5 Sunset Street; amending the Fiscal Year 2022-2023 budget for the
6 Department of Public Works to appropriate additional Surface
7 Transportation Block Grant – Urban funds; and declaring this
8 Ordinance qualifies for approval in one reading.
9 _____

10
11 WHEREAS, on July 7, 2020, the Missouri Highway and Transportation
12 Commission (“MHTC”) and the City entered into a Municipal and Cost Apportionment
13 Agreement as to public improvements to the intersection of Missouri Highway 13, also
14 known as Kansas Expressway, and Sunset Street, originally estimated to cost
15 \$2,731,858.00; and
16

17 WHEREAS, the new estimated cost for preliminary engineering, right-of-way
18 acquisition and incidentals, utility relocation, project construction, and inspection is
19 \$3,132,445.00; and
20

21 WHEREAS, the City will contribute fifty (50) percent of the cost, currently
22 estimated at \$1,566,222.50, of which eighty (80) percent will be funded by Surface
23 Transportation Block Grant-Urban funds (\$1,252,978.00) and twenty (20) percent will be
24 funded by 1/8-cent Transportation Sales Tax funds (\$313,244.50); and
25

26 WHEREAS, any cost overruns will be evenly shared between the MHTC and the
27 City, with the City’s share of cost overruns being funded from the 1/8-cent
28 Transportation Sales Tax.
29

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

33 Section 1 – City Council hereby authorizes the City Manager, or his designee, to
34 enter into a Municipal and Cost Apportionment First Supplemental Agreement in
35 substantial conformity with “Exhibit 1” attached hereto and incorporated herein by
36 reference.

37
38 Section 2 – The budget of the Department of Public Works for Fiscal Year 2022-
39 2023 is hereby amended in the accounts and in the amounts shown on Budget
40 Adjustment No. 045, a copy of which is attached hereto and incorporated herein by
41 reference as “Exhibit 2.”

42
43 Section 3 – City Council finds that the budget adjustment made above has been
44 recommended by the City Manager.

45
46 Section 4 – The City Manager is directed to cause the appropriate accounting
47 entries to be made in the books and records of the City. In the event additional funding
48 is provided under this grant by the grantor, the Director of Finance is hereby authorized
49 to adjust this appropriation by an amount not to exceed 20 percent.

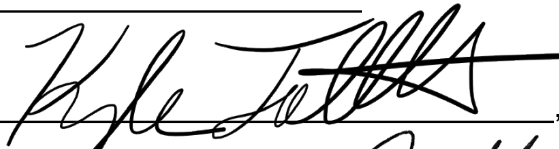
50
51 Section 5 – City Council hereby finds and declares that this Ordinance may be
52 passed as a one-reading ordinance under City Charter Section 2.16(25) as it relates to
53 a contract for the acceptance of grant funds from a state or federal agency. Therefore,
54 this Ordinance shall be in full force and effect from and after passage.

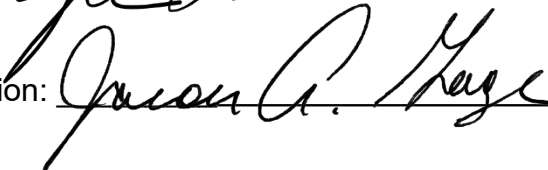
55
56 Passed at meeting: _____

57
58 _____
59 Mayor

60
61 Attest: _____, City Clerk

62
63 Filed as Ordinance: _____

64
65
66 Approved as to form:  _____, Assistant City Attorney

67
68
69 Approved for Council action:  _____, City Manager

CCO Form: DE63
 Approved: 12/17 (BDG)
 Revised: 12/21 (BDG)
 Modified: 01/23 (BDG)

Municipal and Cost Apportionment Agreement
 Route: Rte. 13 (Kansas Expressway)
 County: Greene
 Job No.: 8P3087E
 Agreement # 2022-12-74613

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
 MUNICIPAL AND COST APPORTIONMENT AGREEMENT
 FIRST SUPPLEMENTAL AGREEMENT**

THIS FIRST SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Missouri, a municipal corporation (hereinafter, "City").

WITNESSETH:

WHEREAS, on July 7, 2020 the Commission and the City previously entered into a *Municipal and Cost Apportionment Agreement*, #2019-08-52805, as to public improvements designated as 8P3087E, for the construction of turn lane addition, signal improvements, and pedestrian accommodations (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the City now desire to revise the Original Agreement as provided in this First Supplemental Agreement (hereinafter, "First Supplemental Agreement").

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

(1) REVISION TO PARAGRAPH (7) OF ORIGINAL AGREEMENT: Paragraph (7) PAYMENT RESPONSIBILITIES of the Original Agreement is hereby removed and replaced with the following:

(7) PAYMENT RESPONSIBILITIES: With regard to payment responsibilities under this Agreement, the parties agree to as follows:

(A) The total project cost is estimated to be three million one hundred thirty-two thousand four hundred forty-five dollars (\$3,132,445). The total project cost will include preliminary engineering, right of way, incidentals, utilities, construction and inspection. The details of the estimated cost breakdown are listed in "Exhibit B", which is attached hereto and made part hereof.

(B) The City will be responsible for fifty percent (50%) of the total project cost. The current estimate of the City's responsibilities is one million five hundred sixty-six thousand two hundred twenty-two and

50/100 dollars (\$1,566,222.50). The City agrees that the Commission may program eighty percent (80%) of the City's share of its responsibilities up to a maximum of one million two hundred fifty-two thousand nine hundred seventy-eight dollars (\$1,252,978) from Surface Transportation Block Grant - Urban (STBG-U) funds allocated by the Ozarks Transportation Organization in partial fulfillment of the City's obligation for payment for the project. The remainder of the City's contribution shall consist of the twenty percent (20%) match for the City's STBG funds, currently estimated to be three hundred thirteen thousand two hundred forty-four and 50/100 dollars (\$313,244.50). The City has remitted a check in the amount of sixty-six thousand four hundred twenty-eight and 91/100 dollars (\$66,428.91) to cover right of way and utility costs on July 6, 2021, the year in which right-of-way funding was programmed in the Commission's Statewide Transportation Improvement Program. The City shall remit a check in the amount of two hundred forty-six thousand eight hundred fifteen and 59/100 dollars (\$246,815.59) to cover estimated construction costs no later than five (5) days prior to the Commission's advertisement of the project for bids. This check should be made payable to the *Missouri Highway and Transportation Commission – Local Fund*. If the City fails to make any of the required deposits, the Commission is under no obligation to continue with the project.

(C) The Commission will pay for fifty percent (50%) of the total project cost, currently estimated at one million five hundred sixty-six thousand two hundred twenty-two and 50/100 dollars (\$1,566,222.50). The Commission will receive a credit for engineering services and right-of-way incidentals, currently estimated to be six-hundred eleven thousand dollars (\$611,000), to be applied toward the Commission's responsibilities for this agreement through all project phases. The remainder of the Commission's responsibilities will come from its Southwest District distributed funds.

(D) The City and Commission shall equally share responsibility for the balance of the project cost in excess of three million one hundred thirty-two thousand four hundred forty-five dollars (\$3,132,445), and will share cost underruns based on pro rata share of the investment. The City agrees that the Commission may program eighty percent (80%) of the City's share of its responsibility for overruns, up to a maximum of two hundred fifty thousand five hundred ninety-five dollars (\$250,595) from Surface Transportation Block Grant – Urban (STBG-U) funds, allocated by the Ozarks Transportation Organization. The remainder of the city's responsibility shall consist of the twenty percent (20%) match for the City's STBG funds. Any overruns exceeding the maximum STBG-U allocation for overruns plus the local match shall be paid for entirely by local funds.

(E) If, at the time of the letting, the lowest responsive bid is

higher than the estimated construction and inspection cost amount, the City, upon written notification from the Commission shall remit a check in the amount of its share of the difference between the estimated amount and the lowest responsive bid no later than one (1) day prior to the date of the Commission meeting wherein the subject bid will be considered for award or a later date set by the Commission in its sole discretion. In the event the Commission, in its sole discretion, extends the day the City payment is due, it shall notify the City of the new due date in writing, which shall be binding immediately upon the City's receipt of the written notice. The check must be made payable to the *Missouri Highways and Transportation Commission – Credit Local Fund*. The Commission, in its sole discretion, reserves the right to take action at the said Commission meeting and either reject all bids if the City fails to make the payment by the due date, or award the contract to the lowest responsive bidder contingent upon receipt of the additional funds from the City by the extended due date. If the Commission makes a contingent award of the contract and the City fails to make the required deposit(s) by the extended due date, the contingency of the contract award by the Commission shall be deemed unsatisfied, the award of the contract shall be deemed null and void and the Commission shall be under no obligation to continue with the project.

(2) REVISION TO "EXHIBIT B" OF THE ORIGINAL AGREEMENT: "Exhibit B" of the Original Agreement is hereby removed and replaced with "Exhibit B to the First Supplemental Agreement", attached hereto and made part thereof.

(3) ORIGINAL AGREEMENT: Except as amended, modified, or supplemented by this First Supplemental Agreement, terms and conditions of the Original Agreement and all prior amendments between the parties shall remain in full force and effect and the unaltered provisions of the Original Agreement shall extend and apply to this First Supplemental Agreement.

[remainder of page intentionally left blank]

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

Executed by the City on _____(Date).

Executed by the Commission on _____(Date).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD, MISSOURI

Chief Engineer

Deputy City Manager

ATTEST:

ATTEST:

Secretary to the Commission

City Clerk

Director of Finance

Contract Paralegal

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Commission Counsel

Assistant City Attorney

Ordinance Number _____

Exhibit B

Project Name: Kansas Expressway & Sunset Intersection
MoDOT Project Number: J8P3087E
Description: Add turn lanes, signal improvements, and pedestrian accommodations at the intersection of Kansas Expressway (Rte. 13) and Sunset Street

Definition of “Total Project” for Cost Apportionment Includes:

Preliminary Engineering	ROW Incidentals	Utilities
ROW	Construction	Construction Engineering

Definition of “Total Project” for Cost Apportionment Excludes:

Cost to Accelerate Project		

Project Estimate

	Current Estimate and Inflation	Cost Apportionment Eligible
Preliminary Engineering	\$ 349,000	\$ 349,000
Right of Way	\$ 120,000	\$ 120,000
Right of Way Incidentals	\$ 24,000	\$ 24,000
Utilities	\$ 395,716	\$ 395,716
Construction w/ Contingency	\$ 2,005,729	\$ 2,005,729
Non-contractuals	\$ -	\$ -
Inspection and Letting	\$ 238,000	\$ 238,000
Total	\$ 3,132,445	\$ 3,132,445

Project Responsibilities:

Preliminary Engineering	MoDOT
ROW Acquisition	MoDOT
Letting	MoDOT
Inspection	MoDOT

Financial Responsibilities:

City of Springfield Local Funds	\$ 313,244.50	Total Local Share
City of Springfield STBG-U	\$ 1,252,978	\$ 1,566,222.50
		50.0%
MoDOT SW in-kind	\$ 611,000	Total MoDOT Share
MoDOT Flexible Funds	\$ 955,222.50	\$ 1,566,222.50
		50.0%

How are overruns and underruns handled?

The City and Commission shall share responsibility for the balance of the project cost in excess of \$3,132,445 equally. The City may provide eighty percent (80%) of the City’s share of its responsibility for overruns, up to a maximum of two hundred fifty thousand five hundred ninety-five dollars (\$250,595) from Surface Transportation Block Grant – Urban (STBG-U) funds. The remainder of the city’s responsibility shall consist of the twenty percent (20%) match for the City’s STBG funds. Any overruns exceeding the maximum STBG allocation for overruns plus the local match shall be paid for entirely by local funds. The Commission and City will share cost underruns equally, with the City’s share of underruns based on their prorate share of the investment.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment
045

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	102822	00000	\$410,829.80	Federal STBG Grant Revenues - Kansas Expressway & Sunset Street Intersection Improvements
Net Revenue Adjustment						\$410,829.80	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	509110	102822	00000	\$410,829.80	Kansas Expressway & Sunset Street Intersection Imp.
Net Expenditure Adjustment						\$410,829.80	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating \$410,829.80 of federal STBG grant funds for 80% of the City's share of the increase in estimated costs of the Kansas Expressway and Sunset Street Intersection Improvements based on the proposed First Supplemental Municipal & Cost Apportionment Agreement. The remaining 20% of the City's share of the increase in estimated costs will be funded by the 1/8 Cent Transportation Sales Tax that is already budgeted.

Requested By:

Dan Smith 3-14-2023
Department Head Date

Approved By:

DL Holt 3-14-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-061
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2023-062 (SCHILLING)

FILED: 03/10/2023

ORIGINATING DEPARTMENT: Public Works

PURPOSE: A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Department of Natural Resources, for the purpose of accepting state American Rescue Plan Act funds in the amount of \$608,000 to support construction of Stormwater Improvements Delmar Street and South Roanoke Avenue Project (2022PW0019); amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$608,000; and declaring this Ordinance qualifies for approval in one reading.

BACKGROUND INFORMATION:

Purpose: To authorize the City Manager, or his designee, on behalf of the City, to accept federal grant funds up to the amount of \$608,000 from the Missouri Department of Natural Resources ("MDNR") to support construction of Stormwater Improvements Delmar Street and South Roanoke Avenue Project (2022PW0019); to enter into an agreement with MDNR that substantially conforms to "Exhibit A" for acceptance and use of those funds; to exercise any and all powers to obtain such funding and carry out the identified activities; and approving a budget adjustment amending the Fiscal Year 2022-2023 budget of the Department of Public Works in the amount of \$608,000 to appropriate the grant funds.

Resolution 10636 authorized the City to apply for State American Rescue Plan Act ("ARPA") Water Infrastructure Community Grant Program funds from MDNR on June 13, 2022, in support of stormwater and wastewater infrastructure projects. While performing improvements to the sanitary sewer main in the alley just east of South Roanoke Avenue, the existing stormwater box culvert paralleling the main, collapsed. The culvert was temporarily stabilized and fenced-in to allow continued function and to prevent access. A determination was made to relocate the stormwater box culvert out of the alley to improve maintenance access in the future for both the stormwater and sanitary sewer systems. The proposed design will include approximately 400 feet of new box culvert, seven (7) new curb inlets, road surface removal and replacement, and associated appurtenances.

REMARKS: Matching funds will be provided through the 1/4-cent Capital Improvement Sales Tax already budgeted for the Stormwater Program. Public Works recommends approval of this Council bill and budget adjustment.

Submitted By: Martin Gugel, Assistant Director of Public Works

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



Dan Smith, Director of Public Works 3/2/2023

Maurice S. Jones, Deputy City Manager 3/7/2023

- Attachments:**
1. ARPA Roanoke & Delmar Stormwater Project
 2. ARPA Roanoke & Delmar SW Proj_Exh A
 3. ARPA Roanoke Delmar SW ProjBA_exhB

One-rdg. X
P. Hrngs.
Pgs. 7
Filed: 03-14-23

Sponsored by: Schilling

First Reading:

Second Reading:

COUNCIL BILL 2023-062

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an agreement with the
2 Missouri Department of Natural Resources, for the purpose of
3 accepting state American Rescue Plan Act funds in the amount of
4 \$608,000 to support construction of Stormwater Improvements
5 Delmar Street and South Roanoke Avenue Project (2022PW0019);
6 amending the budget of the Department of Public Works for Fiscal
7 Year 2022-2023 in the amount of \$608,000; and declaring this
8 Ordinance qualifies for approval in one reading.
9

10
11 WHEREAS, Resolution 10636 authorized the City to apply for Missouri American
12 Rescue Plan Act ("ARPA") Water Infrastructure Community Grant Program funds from
13 the Missouri Department of Natural Resources ("MDNR") to fund stormwater and
14 wastewater infrastructure projects; and
15

16 WHEREAS, stormwater and wastewater improvements are necessary in the area
17 of East Delmar Street and South Roanoke Avenue; and
18

19 WHEREAS, MDNR has awarded \$608,000 in ARPA funds for these
20 improvements; and
21

22 WHEREAS, matching funds will be provided through the 1/4-cent Capital
23 Improvements Sales Tax, and is already budgeted.
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 his designee, is hereby authorized to enter into
29 an agreement with the Missouri Department of Natural Resources, for the purpose of
30 accepting state ARPA funds, said agreement to be substantially the same as the
31 document attached hereto and incorporated herein by reference as "Exhibit A."
32

33 Section 2 – The budget of the City of Springfield for Fiscal Year 2022-2023 is
34 hereby amended in the accounts and in the amounts as shown on Budget Adjustment
35 No. 043, a copy of which is attached hereto and incorporated herein by reference as
36 “Exhibit B.”
37

38 Section 3 – City Council hereby finds that the budget adjustment made above
39 has been recommended by the City Manager.
40

41 Section 4 – The City Manager is directed to cause the appropriate accounting
42 entries to be made in the books and records of the City.
43

44 Section 5 – This Ordinance shall be in full force and effect immediately upon
45 adoption.
46

47 Passed at meeting: _____
48

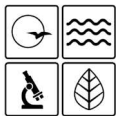
49 _____
50 Mayor
51

52 Attest: _____, City Clerk
53

54 Filed as Ordinance: _____
55

56 _____
57 Approved as to form: _____, Assistant City Attorney
58

59 _____
60 Approved for Council action: _____, City Manager



MISSOURI DEPARTMENT OF NATURAL RESOURCES

FINANCIAL ASSISTANCE AGREEMENT

Assistance as described herein is hereby offered and accepted effective upon signature of authorized officials for the dates indicated in Budget Period and Project Period below.

RECIPIENT INFORMATION

RECIPIENT NAME		RECIPIENT TELEPHONE NUMBER WITH AREA CODE	
ADDRESS		CITY	STATE ZIP CODE
UNIQUE ENTITY ID	AWARD NUMBER	BUDGET PERIOD	PROJECT PERIOD
RECIPIENT PROJECT MANAGER NAME		RECIPIENT PROJECT EMAIL ADDRESS	PROJECT MANAGER TELEPHONE NUMBER WITH AREA CODE
HAVE YOU OR AN IMMEDIATE FAMILY MEMBER EVER SERVED IN THE U.S. ARMED FORCES? YES ☐ NO ☐			
IF YES, WOULD YOU LIKE INFORMATION ABOUT MILITARY-RELATED SERVICES IN MISSOURI? YES ☐ NO ☐			

PROJECT INFORMATION

RECIPIENT PROJECT TITLE AND PROJECT DESCRIPTION (ATTACH ADDITIONAL PAGES AS NECESSARY)			
TYPE OF ASSISTANCE New Award ☐ Amendment ☐	SOURCE OF FUNDING Federal ☒ State ☐ Other ☐	CFDA NUMBER 21.027	CFDA NAME Coronavirus State and Local Fiscal Recovery Funds
STATE PROJECT MANAGER NAME		STATE PROJECT MANAGER TELEPHONE NUMBER WITH AREA CODE	INDIRECT COST RATE FOR RECIPIENT 0%
RESEARCH AND DEVELOPMENT YES ☐ NO ☒	RESEARCH AND DEVELOPMENT COMMENTS IF NEEDED		

PROJECT FUNDING	Original Amount	Original Percentage	Amended Amount	Amended Percentage	Total Amount	Total Percentage
Federal Award:	\$	NaN %	\$	NaN %	\$	NaN %
State/Other Award:	\$	NaN %	\$	NaN %	\$	NaN %
Recipient Match:	\$	NaN %	\$	NaN %	\$	NaN %
Total Award:	\$ 0	0 %	\$ 0	0 %	\$ 0	0 %

AGREEMENT ADMINISTRATION

THE ATTACHMENTS IDENTIFIED BELOW ARE INCORPORATED BY REFERENCE AS THOUGH FULLY RESTATED HEREIN. THE RECIPIENT AGREES TO ADMINISTER THIS AGREEMENT IN ACCORDANCE WITH ALL APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS INCLUDING, BUT NOT LIMITED TO:

APPLICABLE PROGRAM GUIDELINES		APPLICATION NUMBER		RECIPIENT APPLICATION, AS NEGOTIATED, DATED	
BUDGET PLAN Attachment #	DETAILED SCOPE OF WORK Attachment #	SPECIAL CONDITIONS Attachment # 2	GENERAL TERMS AND CONDITIONS Attachment # 1	SUSPENSION/DEBARMENT Attachment #	PUBLIC LAW Attachment #
PUBLICATIONS Attachment #	EPA MBE/WBE UTILIZATION Attachment #	CERTIFICATE REGARDING LOBBYING Attachment #	INVOICE Attachment #	ADDITIONAL ATTACHMENTS Attachment # 3 Attachment # 4	

AMENDMENT INFORMATION

AMENDMENT ID	AMENDMENT DESCRIPTION (ATTACH ADDITIONAL PAGES AS NECESSARY)
--------------	--

FEDERAL AWARD INFORMATION ([ATTACH ADDITIONAL PAGES AS NECESSARY](#))

FEDERAL AWARD PROJECT TITLE AND DESCRIPTION U.S. Department of Treasury, Coronavirus State Fiscal Recovery Fund			
FEDERAL AWARING AGENCY United States Department of Treasury		FEDERAL AWARD ID NUMBER 073134579	PASS THROUGH ENTITY NAME MoDNR, and State of Missouri, Office of Administration
FEDERAL FUNDING YEAR 2022	FEDERAL AWARD DATE 7/28/21	TOTAL AMOUNT OF FEDERAL AWARD \$ 2,685,296,130.80	INDIRECT COST RATE FOR MoDNR 0 %

APPROVAL

I am at least 18 years old, and certify I am duly authorized to accept this award for recipient using electronic signature. The recipient understands and agrees it is a condition precedent to receive reimbursement that recipient comply with and is not in breach or default of all terms and conditions of this award stated above and attached hereto, and that no request for reimbursement will be processed unless it is presented in proper form.

RECIPIENT ORGANIZATION AUTHORIZED OFFICIAL NAME AND TITLE (TYPED)	SIGNATURE	DATE
DEPARTMENT OF NATURAL RESOURCES DIRECTOR OR DESIGNEE NAME (TYPED)	SIGNATURE	DATE

Instructions for MoDNR staff completing Financial Assistance Agreement Form

Recipient Information: complete all fields

- Recipient Name – Must match the registered name in the System for Award Management (SAM). If the recipient is not yet registered in SAM, then they should be provided with information on how to register (<http://www.sam.gov>).
- Unique Identifier – Must match the unique identifier number in SAM. Currently it is the recipient's Data Universal Numbering System (DUNS) number which the recipient must have prior to the award. DUNS numbers may be obtained without charge at <http://fedgov.dnb.com/webform>.

Project Information: complete all fields

- CFDA Number – The Catalog of Federal Domestic Assistance (CFDA) number is found on the Notice of Award.
- CDFA Name – Is found on the Notice of Award.
- Research and Development Comments – Complete field if checking “Yes” in the Research and Development field.
- Project Funding – The Original Amount, Original Percent, Total Amount and Total Percentage fields must be completed. If the original agreement amount is being amended, the Amended Amount and Amended Percentage fields must also be completed.

Agreement Administration: complete all applicable fields.

Attachments included in the agreement packet should all be identified in this section.

Amendment Information: complete all fields if amending the agreement

- Amendment ID – Enter the amendment number (i.e., enter “1” if it is the first amendment, enter “2” if it is the second amendment, etc.).
- Amendment Description – Summarize what is being amended. Example: Original agreement amount is being increased by \$500,000 and the Budget Period and Project Periods are being extended six months.

Federal Award Information: Complete all fields if using federal funds for any part of the award. If the award is being funded by multiple federal grants, information on each grant must be included as an attachment.

- Federal Award Project Title and Description – Refer to the Notice of Award from the federal agency.
- Federal Awarding Agency – Designate from which federal agency MoDNR received pass through funds.
- Federal Award ID Number – Refer to the Notice of Award.
- Pass Through Entity Name – Enter information in this format: *Division, Program*.
- Federal Funding Year – Federal year the funding is provided.
- Federal Award Date – Date the federal award is signed by the authorized official of the Federal awarding agency. Refer to the Notice of Award.
- Total Amount of Federal Award – Enter the total amount awarded by the federal agency to include any amended amounts. Refer to the Notice of Award.
- Indirect Cost Rate for MoDNR – Current MoDNR rates can be found at <http://n-nr1ntra.ads.state.mo.us/das/rates-current.htm>.

Approval: complete fields below

- Department of Natural Resources Director Or Designee – Enter the name of the MoDNR director.
- Recipient Organization Authorized Official Name and Title – Enter the name and title of the person who will be signing on behalf of the recipient organization, if known.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
043

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22520	20	73020	416010	103175	00000	\$608,000	American Rescue Plan Act (ARPA) Federal Grant Revenues - Water Infrastructure Community Grant Program through Missouri Department of Natural Resources
Net Revenue Adjustment						\$608,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22520	20	73020	509110	103175	00000	\$608,000	Delmar Street & South Roanoke Avenue Stormwater Imp.
Net Expenditure Adjustment						\$608,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating \$608,000 of federal ARPA grant funds for the Delmar Street and South Roanoke Avenue stormwater improvement project.

Requested By:

Dan Smith 3-14-2023
Department Head Date

Approved By:

W. J. Hill 3-14-2023
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2023-062
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-063 (MCGULL)

FILED: 03/10/2023

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 14.8 acres of property generally located at 2238, 2250, and 2316 East Catalpa Street from R-TH, Residential Townhouse District, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 223; establishing Conditional Overlay District No. 223; and adopting an updated Official Zoning Map. (Staff is requesting this item be remanded to Planning and Zoning Commission.) (By: NGA Holdings, LLC; 2238, 2250, 2316 East Catalpa Street; Z-3-2023 w/COD #223.)

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-3-2023 w/COD #223

The applicant is requesting to rezone approximately 14.8 acres of property generally located at 2238, 2250, 2316 East Catalpa Street from R-TH, Residential townhouse district to R-LD, Low-density Multi-family Residential and establishing Conditional Overlay District No. 223 with the intent to construct a multi-family dwelling.

REMARKS: The Planning and Zoning Commission held a public hearing on February 9, 2023, and recommended to approve, by a vote of 7 to 1. At that meeting, a staff recommended condition related to stormwater requirements was not presented to the Planning and Zoning Commission and the Commission voted to approve the project without the necessary condition. Public Works Stormwater staff would like the Planning and Zoning Commission to reconsider the applicant's request with the staff requested condition. Therefore, it will be necessary for the Planning and Zoning Commission to hear this item again.

The Planning and Development staff recommends the application be remanded back to the Planning and Zoning Commission so staff may present the stormwater conditions for their consideration and vote.

FINDINGS FOR STAFF RECOMMENDATION:

1. The Land Use and Development chapter of the Comprehensive Plan includes this site within the Traditional Neighborhood Placetype. This placetype is predominately comprised of single-family detached residential dwellings with generally uniform setbacks, building designs, and parcel sizes. Planning within this placetype is intended to improve the neighborhood's quality of place, which can be achieved through several strategies, including beautification efforts via streetscaping, increasing access and connections with nearby greenway or trail systems, and supporting low-intensity

multifamily uses, low-intensity neighborhood commercial uses, or a mix of uses to serve area residents. Multifamily uses are meant to be located along higher classification roadways, near greenways or trails, or in areas identified by residents during the neighborhood planning process. The preservation of residential housing and housing patterns is meant to be prioritized where lots are predominately accessed from side or internal local streets. Furthermore, redevelopment efforts including higher-density housing or commercial uses are to be limited to areas adjacent to identified activity centers, where the redevelopment's anticipated traffic and circulation will not negatively affect the adjoining neighborhood.

2. This application is consistent with the Land Use and Development recommendation which states that a "step-down approach should be used to create a gradual transition where more intense housing types and dissimilar uses converge along the edges of the neighborhood." The subject property is located on the edge of a neighborhood in an area where manufacturing and single-family land uses and zoning converge.

3. The R-LD district is intended to accommodate multifamily developments at densities up to approximately 18 units per acre (this application limits to 11 du/acre) and is intended to serve as a transition between lower density and higher density residential districts. This district is intended for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. New single-family dwellings are not permitted to ensure that vacant land set aside for multifamily development is not preempted by less intense development.

4. To help ensure a compatible housing unit density, the applicant will be required to limit the development of property to 11 dwelling units per acre, as indicated in the proposed Conditional Overlay District ("COD") No. 223 ("Attachment 2"). This is the only requirement of the proposed COD. No site plan has been made available for the proposal; however, a site plan is not required for such a rezoning.

5. The subject property has direct access to Catalpa Street, classified as a Collector roadway and is adjacent to Barnes Avenue, also classified a Collector roadway. New development of apartments would have access to these Collector streets without the need to traverse minor streets in the adjoining residential neighborhood.

6. The proposed COD will require a Traffic Study at the time of development to ensure that any potential negative impacts on the street network are mitigated.

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

Submitted By: Michael Sparlin, Senior City Planner



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

Maurice S. Jones, Deputy City Manager 3/7/2023

- Attachments:**
1. Z-3-2023 with COD #223_ord
 2. Exhibit A, Conditional Overlay District Provisions
 3. Exhibit B, Legal Description
 4. Exhibit C, Record of Proceedings
 5. Exhibit D, Development Review Staff Report with Attachments

One-rdg. _____
P. Hrngs. _____
Pgs. 26
Filed: 03-14-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-063

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 14.8 acres of property generally located at 2238, 2250, and 2316
4 East Catalpa Street from R-TH, Residential Townhouse District, to
5 R-LD, Low-density Multifamily Residential District, with Conditional
6 Overlay District No. 223; establishing Conditional Overlay District
7 No. 223; and adopting an updated Official Zoning Map. (Staff is
8 requesting this item be remanded to Planning and Zoning
9 Commission.)
10 _____
11

12 WHEREAS, an application has been filed for a zoning change of the property
13 generally located at 2238, 2250, and 2316 East Catalpa Street from R-TH, Residential
14 Townhouse District, to R-LD, Low-density Multifamily Residential District, with
15 Conditional Overlay District No. 223; and
16

17 WHEREAS, Conditional Overlay District No. 223 shall modify the requirements of
18 the Springfield Land Development Code Section 36-382, R-LD, Low-density Multifamily
19 Residential District, by requiring that the property described in "Exhibit B" comply with
20 the requirements described in "Exhibit A;" and
21

22 WHEREAS, following proper notice, the Planning and Zoning Commission held a
23 public hearing on February 9, 2023, a copy of the Record of Proceedings from said
24 public hearing being attached hereto and incorporated herein by this reference as
25 "Exhibit C," and said Commission made its recommendation; and
26

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

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

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

36
37 Section 1 – The property described in "Exhibit B," which is attached hereto and
38 incorporated herein by this reference, is hereby rezoned from R-TH, Residential
39 Townhouse District, to R-LD, Low-density Multifamily Residential District, with
40 Conditional Overlay District No. 223. Springfield Land Development Code, Section 36-
41 306, 'Official zoning map and rules for interpretation,' is hereby amended, changed, and
42 modified consistent with this Ordinance.

43
44 Section 2 – City Council hereby establishes Conditional Overlay District No. 223,
45 which shall contain the requirements and standards provided in "Exhibit A," which is
46 attached hereto and incorporated herein by this reference as though set forth herein.
47 The requirements of Conditional Overlay District No. 223 shall modify the requirements
48 of the Springfield Land Development Code Section 36-382, R-LD, Low-density
49 Multifamily Residential District, by requiring the property described in "Exhibit B" comply
50 with the requirements contained in "Exhibit A."

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

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

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

63
64 Passed at meeting: _____

65
66
67 _____
68 Mayor

69 Attest: _____, City Clerk

70
71 Filed as Ordinance: _____

72
73  _____, Assistant City Attorney

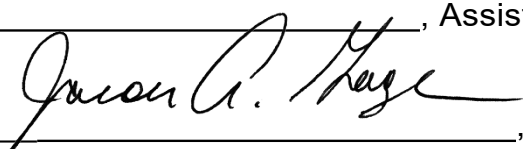
74
75  _____, City Manager
76
77 Approved for Council action: _____

EXHIBIT A
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-3-2023

1. The maximum density for the subject property shall be eleven (11) dwelling units per acre.
2. A traffic study, in a format acceptable to the City, must be submitted at the time of development, and development shall be permitted only after this study is approved by the City's Public Works Department. The requirements of the study shall be incorporated in site plan, PIP, or other permits as applicable, and in accordance with City Code Section 36-250 and Section 9 of Public Works Design Standards. Any necessary improvements that are identified in the traffic study shall be constructed at the expense of the developer. All public improvements must be constructed and approved, or funds escrowed prior to issuance of a building permit.

EXHIBIT B
LEGAL DESCRIPTION
ZONING CASE Z-3-2023

TRACT I:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), THENCE EAST TWENTY (20) RODS; THENCE SOUTH TWENTY (20) RODS MORE OR LESS TO THE NORTHERN BOUNDARY OF THE RIGHT-OF-WAY OF THE SPRINGFIELD AND SOUTHERN RAILROAD; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE NORTHERN BOUNDARY OF THE RIGHT-OF-WAY TO THE WEST LINE OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), THENCE NORTH TO THE POINT OF BEGINNING, ALL IN GREENE COUNTY, MISSOURI, SUBJECT TO ANY PART THEREOF TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES.

TRACT III:

BEGINNING AT A POINT 17 CHAINS AND 43 LINKS AND 8 FEET EAST AND 20 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), THENCE WEST 5 FEET TO IRON PIN SET FOR THE NEW BEGINNING POINT, RUNNING THENCE SOUTH 508 FEET TO AN IRON PIN SET; RUNNING THENCE WEST 207 FEET MORE OR LESS TO THE EAST LINE OF A TRACT OF LAND CONVEYED BY FRED MACE, EXECUTOR OF THE ESTATE OF BERT MACE, DECEASED TO DWIGHT E. SHULTZ JR., AND MARA L. SHULTZ, HUSBAND AND WIFE, BY QUIT-CLAIM DEED DATED THE 22ND DAY OF SEPTEMBER 1956 AND RECORDED ON FEBRUARY 13, 1957 AT 1:40 P.M. AND SHOWN IN BOOK 1092 AT PAGE 208, RECORDER'S OFFICE, GREENE COUNTY, MISSOURI, RUNNING THENCE NORTH 508 FEET TO THE SOUTH LINE OF CATALPA STREET (FORMERLY MACE ROAD); RUNNING THENCE EAST ALONG THE SOUTH LINE OF SAID STREET TO THE POINT OF BEGINNING, ALL IN THE COUNTY OF GREENE, STATE OF MISSOURI, SUBJECT TO ANY PART THEREOF TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES.

TRACT IV:

ALL OF THE WEST 137 FEET OF THE FOLLOWING: BEGINNING 17 CHAINS 43 LINKS AND 8 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), THENCE SOUTH 32 RODS; THENCE WEST 26 RODS; THENCE NORTH 32 RODS; THENCE EAST 26 RODS TO THE POINT OF BEGINNING, EXCEPT A TRACT CONVEYED IN BOOK 666 AT PAGE 167, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, SUBJECT TO ANY PART THEREOF TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES.

TRACT V:

BEGINNING AT A POINT FORTY-TWO (42) RODS AND FORTY-THREE (43) LINKS AND EIGHT (8) FEET EAST AND TWENTY (20) FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), THENCE EAST ONE HUNDRED THIRTY-SEVEN (137) FEET TO AN IRON PIN SET FOR A NEW BEGINNING POINT; THENCE SOUTH FIVE HUNDRED EIGHT FEET (508); THENCE EAST SIX AND ONE-HALF (6.5) FEET; THENCE NORTH FIVE HUNDRED EIGHT (508) FEET; THENCE WEST SIX AND ONE-HALF (6.5) FEET TO THE NEW BEGINNING POINT, ALL IN SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), GREENE COUNTY, MISSOURI, SUBJECT TO ANY PART TAKEN, DEEDED OR USED FOR ROAD PURPOSES.

TRACT VI:

BEGINNING FORTY-TWO (42) RODS FORTY-THREE (43) LINKS AND EIGHT (8) FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), THENCE EAST ONE HUNDRED FORTY-THREE AND FIVE TENTHS (143.5) FEET FOR A POINT OF BEGINNING; THENCE SOUTH FIVE HUNDRED TWENTY-EIGHT (528) FEET; THENCE EAST SIXTY-EIGHT AND FIVE TENTHS (68.5) FEET; THENCE NORTH FIVE HUNDRED TWENTY-EIGHT (528) FEET; THENCE WEST SIXTY-EIGHT AND FIVE TENTHS (68.5) FEET TO THE NEW POINT OF BEGINNING, SUBJECT TO ANY PART THEREOF TAKEN, DEEDED OR USED FOR ROAD PURPOSES.

TRACT VII:

BEGINNING AT A POINT TWENTY (20) RODS EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), IN GREENE COUNTY, MISSOURI, THENCE RUNNING EAST TWENTY-FOUR (24) AND 20/100 RODS; THENCE SOUTH THIRTY-TWO (32) RODS; THENCE EAST TWENTY-SIX (26) RODS AND EIGHT (8) FEET; THENCE SOUTH THIRTY-FOUR (34) RODS MORE OR LESS TO THE NORTH LINE OF THE RIGHT-OF-WAY OF THE SPRINGFIELD AND SOUTHERN RAILROAD, THENCE IN A NORTHWESTERLY DIRECTION ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY TO A POINT DUE SOUTH OF THE PLACE OF BEGINNING, THENCE NORTH TWENTY (20) RODS MORE OR LESS TO THE POINT OF BEGINNING, SUBJECT TO ANY PART THEREOF TAKEN, DEEDED OR USED FOR ROAD PURPOSES, ALL IN GREENE COUNTY, MISSOURI.

EXHIBIT C
RECORD OF PROCEEDINGS
ZONING CASE Z-3-2023

Z-3-2023 w/COD #223
2238, 2250 & 2316 East Catalpa Street
Applicant: NGA Holdings, LLC

Mr. Sparlin stated this is a request to rezone approximately 14.8 acres of property generally located at 2238, 2250, 2316 East Catalpa Street from R-TH, Residential Townhouse District to R-LD, Low-density Multi-family Residential District and establishing Conditional Overlay District No. 223.

Mr. Knuckles asked about bufferyard B and if adequate for that type of development. Mr. Sparlin noted that it is sufficient and complies with the zoning code requirements.

Mr. Knuckles about egress/ingress on to Catalpa and if the only access and Mr. Sparlin noted that there are no other streets abutting the property.

Mr. Pauly asked about the bulk plane (45-degree) and noted that it seems a problem if allowing into a residential area. Mr. Sparlin noted that the R-LD, Low-Density Multifamily Residential Districts have the same standards for R-SF, Single Family Residential Districts.

Mr. Pauly asked if they will exceed the 15 feet width limit to allow a three-story building, Mr. Sparlin noted that they could have a three-story building, but developer/applicant can answer that question.

Ms. Ridge asked if the railroad is still active in that area and Mr. Sparlin noted that he is unsure.

Mr. Colony asked about stormwater and said a lot of flooding occurs by the tracks and would like the drainage issues to be addressed.

Mr. Joe Codichini stated that first stipulation at the time of development is that they must install new pipe (900/1000 ft) to alleviate the overflow and the second they have to have detention that would accommodate the sinkholes in the area.

Mr. Colony noted the intersection at Barnes and Catalpa and how terrible it is.

Mr. Chad Zickefoose stated that the intersection will be analyzed and possible improvements at the time (traffic impact study) of construction.

Mr. Jobe opened the public hearing.

Mr. Nathan Adams, 3213 S. West Bypass, stated that these will be 2-story buildings (townhome development) will have the same density as R-SF by not splitting the property to not develop public streets.

Mr. Pauly asked about bulk plane and if a 2 or 3 story building.

Mr. Adams stated it will be only 2-story buildings, but not sure on type of roof.

Mr. Colony wants clarification on public street comment, Mr. Adams noted this will be like a "gated community" and not separated out and will have one owner. Mr. Colony also noted that there are several nice and large trees and would like them to be preserved. Mr. Adams said that they will try to preserve as many as possible.

Mr. Knuckles asked who will maintain the private infrastructure. Mr. Adams noted that the single owner would maintain the property.

Ms. Leslie Vandenberg, 1162 S. Marlan is against the zoning change, but not against growth. She voiced her concerns regarding traffic, ingress/egress (wants more access points) and stormwater/flooding issues noting that there are no storm drains and asked for this to be denied until stormwater and roadway have been improved.

Mr. Colony noted her concerns for traffic and stormwater and asked if these issues were rectified, then would she still have issues and she stated that traffic would still be a problem and looking at apartment complexes across from a single-family residential area.

Mr. Knuckles asked if the city has plans for street improvements. Mr. Chad Zickefoose stated that there are no plans for Catalpa and Barnes but could in the future if a traffic study would recommend improvements.

Mr. Lebeck asked about the zoning and dwelling unit per acre and was clarified that it allows for 11 du/ac.

Ms. Britton Dennis, 1161 S. Maple Grove Avenue voiced her concerns for an apartment complex versus single family homes, she also noted concerns for traffic, stormwater, biking (part of the Greenwood bike trail) and low inventory of properties for purchase.

Ms. Sherry Lincoln, 1163 S. Maple Grove is here on behalf of the children and teachers in the area and stating that the local schools would be severely impacted with the additional students (overcrowding) in the classrooms. She also noted that the street is not safe (traffic) and that they have had flooding issues.

Ms. Amelia Mooney, 1166 S. Maple Grove noted that there are approximately 30 single family homes in the neighborhood and the only exit is Catalpa and stated that they have problems with the homeless living in woods and believes that townhouses would put too much of a strain on the neighborhood and Greenway Trail and this type of project is not

suitable. She also stated that she would like for any study (traffic impact) to happen before construction, not after.

Mr. Colony wanted clarification and explained that building permits (after traffic study) would not be issued until construction has begun.

Mr. Zickefoose noted that if the rezoning is approved then a traffic study is required and then the recommendations would need to be escrowed or constructed before any building permits would be issued.

Mr. Jobe closed the public hearing.

Mr. Colony asked if the developer would be allowed to construct their project, and would they be granted a Certificate of Occupancy? Mr. Zickefoose stated that they would not receive a Certificate of Occupancy until completed and a sidewalk will be required on Catalpa (frontage).

Mr. Lebeck asked for clarification on the recommendations, item 6 (Findings for Staff Recommendations). Mr. Hosmer said the same du/ac does not reach a threshold for a traffic study prior to the zoning case.

Mr. Zickefoose explained what would prompt a required traffic study, but traffic study can put a condition on the development.

Mr. Knuckles asked about the density and suggested that the city look at the traffic along Catalpa and Barnes as well as drainage issues.

Mr. Jobe stated that Planning and Zoning Commission can approve a change to the land use and does share the current concerns, but the scope is limited to the amendment map and will be in support of it.

Ms. Broekhoven asked what the street designation of Barnes and Catalpa is, Mr. Zickefoose noted that they are both collector's and the stepdown use type would be good for this area, but Barnes and Catalpa are basically neighborhood streets and are dangerous. Current zoning is the same intensity with a Conditional Overlay District that brings attention to the traffic issues and believes this is a positive outcome and will vote in support.

Mr. Pauly also travels this daily and does not believe he can support this due to the traffic concerns.

Ms. Ridge also noted that she had traveled Catalpa daily and the road conditions were not that bad, but the railroad crossing is dangerous and mentioned stormwater issues.

Mr. Lebeck stated that Planning and Zoning must note the 8 conditions (Planning and Zoning Authority / Section 36-367) when looking at rezoning and said the traffic issues

already exist and this development will have positive benefits and he will support the rezoning.

Mr. Colony noted the perfect opportunity to fix the stormwater and traffic issues and will be supporting and wants the city to work with the developer to fix the current issues.

Ms. Gunther asked about turn lanes, Mr. Zickefoose said the developer would be required to build whatever improvements, exception would be if Catalpa / Barnes already require turn lanes.

COMMISSION ACTION:

Mr. Knuckles motioned to approve Z-3-2023 w/COD #223 (2238, 2250 & 2316 East Catalpa Street). Mr. Lebeck seconded the motion. Ayes: Jobe, Broekhoven, Colony, Lebeck, Knuckles, Ridge, and Gunther. Nays: Pauly. Abstain: None. Absent: Scott.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', is written over a horizontal line.

Bob Hosmer, AICP
Planning Manager

Development Review Staff Report

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

FEBRUARY 9, 2023

March 6, 2023

CASE: Z-3-2023 w/COD #223

ACRES: 14.8 acres

LOCATION: 2238, 2250, 2316 East Catalpa Street

EXISTING LAND USE: Undeveloped Land

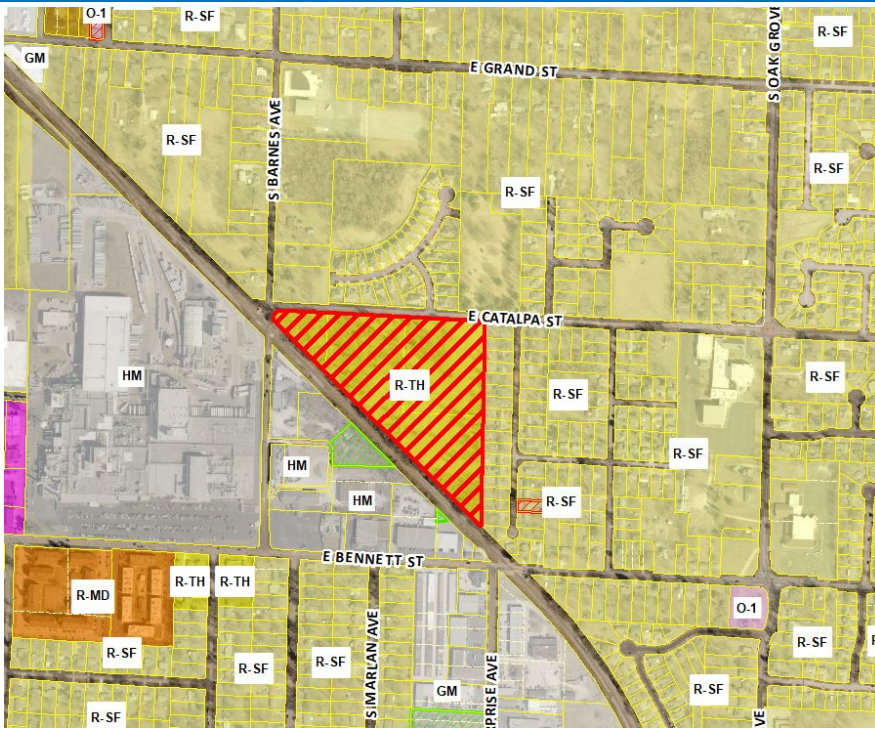
APPLICANT: NGA Holdings, LLC

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

STAFF RECOMMENDATIONS: Approval

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 14.8 acres of property generally located at 2238, 2250, 2316 East Catalpa Street from R-TH, Residential townhouse district to R-LD, Low-density Multi-family Residential and establishing Conditional Overlay District No. 223.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Land Use and Development* chapter of the *Comprehensive Plan* includes this site within the Traditional Neighborhood Placetype. This placetype is predominately comprised of single-family detached residential dwellings with generally uniform setbacks, building designs, and parcel sizes. Planning within this placetype is intended to improve the neighborhood's quality of place, which can be achieved through a number of strategies including beautification efforts via streetscaping, increasing access and connections with nearby greenway or trail systems, and supporting low-intensity multifamily uses, low-intensity neighborhood commercial uses, or a mix of uses to serve area residents. Multifamily uses are meant to be located along higher classification roadways, near greenways or trails, or in areas identified by residents during the neighborhood planning process. The preservation of residential housing and housing patterns is meant to be prioritized where lots are predominately accessed from side or internal local streets. Furthermore, redevelopment efforts including higher-density housing or commercial uses are to be limited to areas adjacent to identified activity centers, where the redevelopment's anticipated traffic and circulation will not negatively affect the adjoining neighborhood.
2. This application is consistent with the *Land Use and Development* recommendation which states that a "step-down approach should be used to create a gradual transition where more intense housing types and dissimilar uses converge along the edges of the neighborhood." The subject property is located on the edge of a neighborhood in an area where manufacturing and single-family land uses and zoning converge.
3. The R-LD district is intended to accommodate multifamily developments at densities up to approximately 18 units per acre (this application limits to 11 du/acre) and is intended to serve as a transition between lower density and higher density residential districts. This district is intended for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. New

Development Review Staff Report



single-family dwellings are not permitted to ensure that vacant land set aside for multifamily development is not preempted by less intense development.

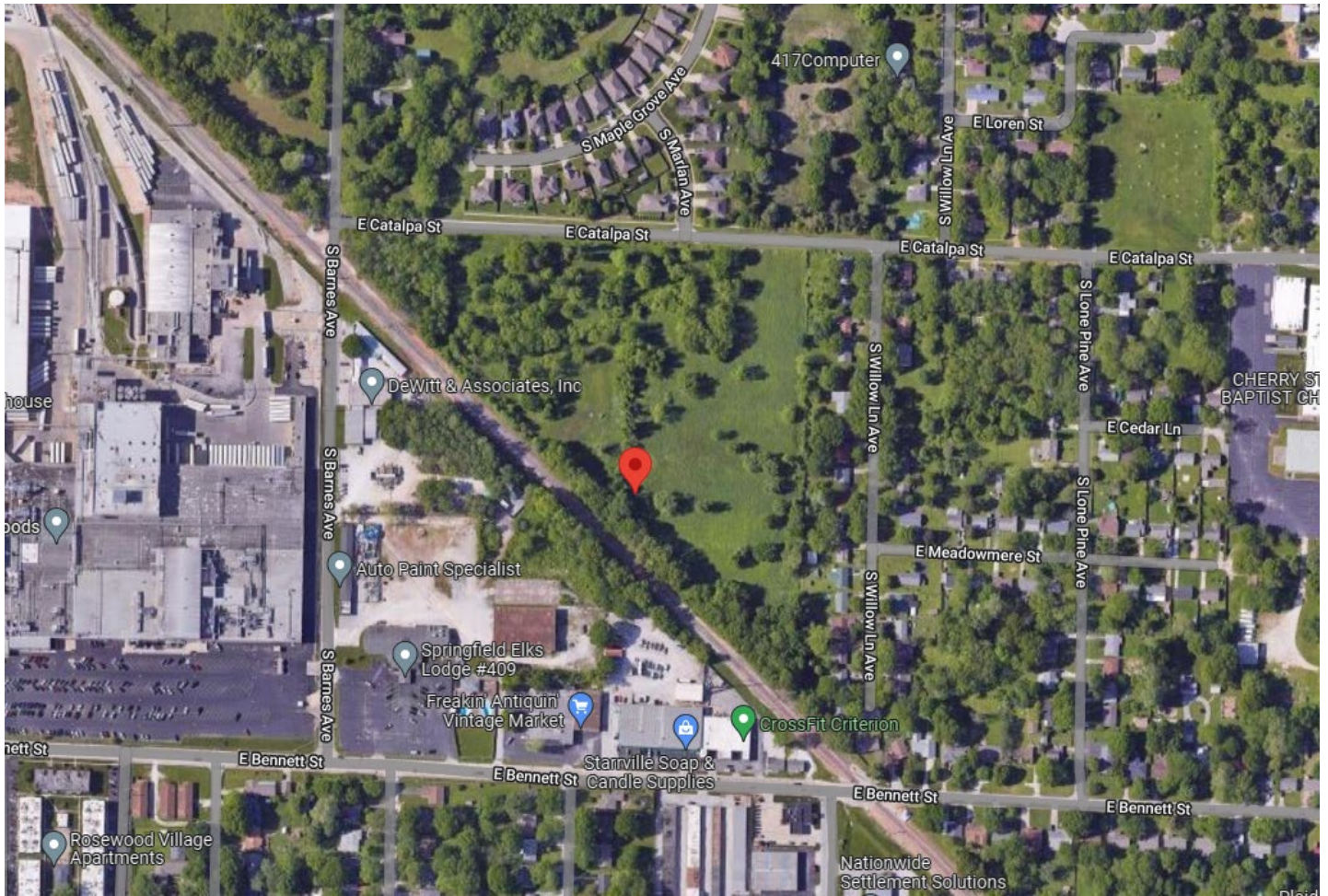
4. To help ensure a compatible housing unit density, the applicant will be required to limit the development of property to 11 dwelling units per acre, as indicated in the proposed Conditional Overlay District (COD) No. 223 (Attachment 2). This is the only requirement of the proposed COD. No site plan has been made available for the proposal; however, a site plan is not required for such a rezoning.
5. The subject property has direct access to Catalpa Street, classified as a Collector roadway and is adjacent to Barnes Avenue, also classified a Collector roadway. New development of apartments would have access to these Collector streets without the need to traverse minor streets in the adjoining residential neighborhood.
6. The proposed COD will require a Traffic Study at the time of development to ensure that any potential negative impacts on the street network are mitigated.
7. 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.
8. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	HM	R-SF	HM
LAND USE	Single-family residential	Railroad right-of-way, Manufacturing, warehouses and commercial uses	Single-family residential	Railroad right-of-way, Manufacturing, warehouses and commercial uses

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SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)

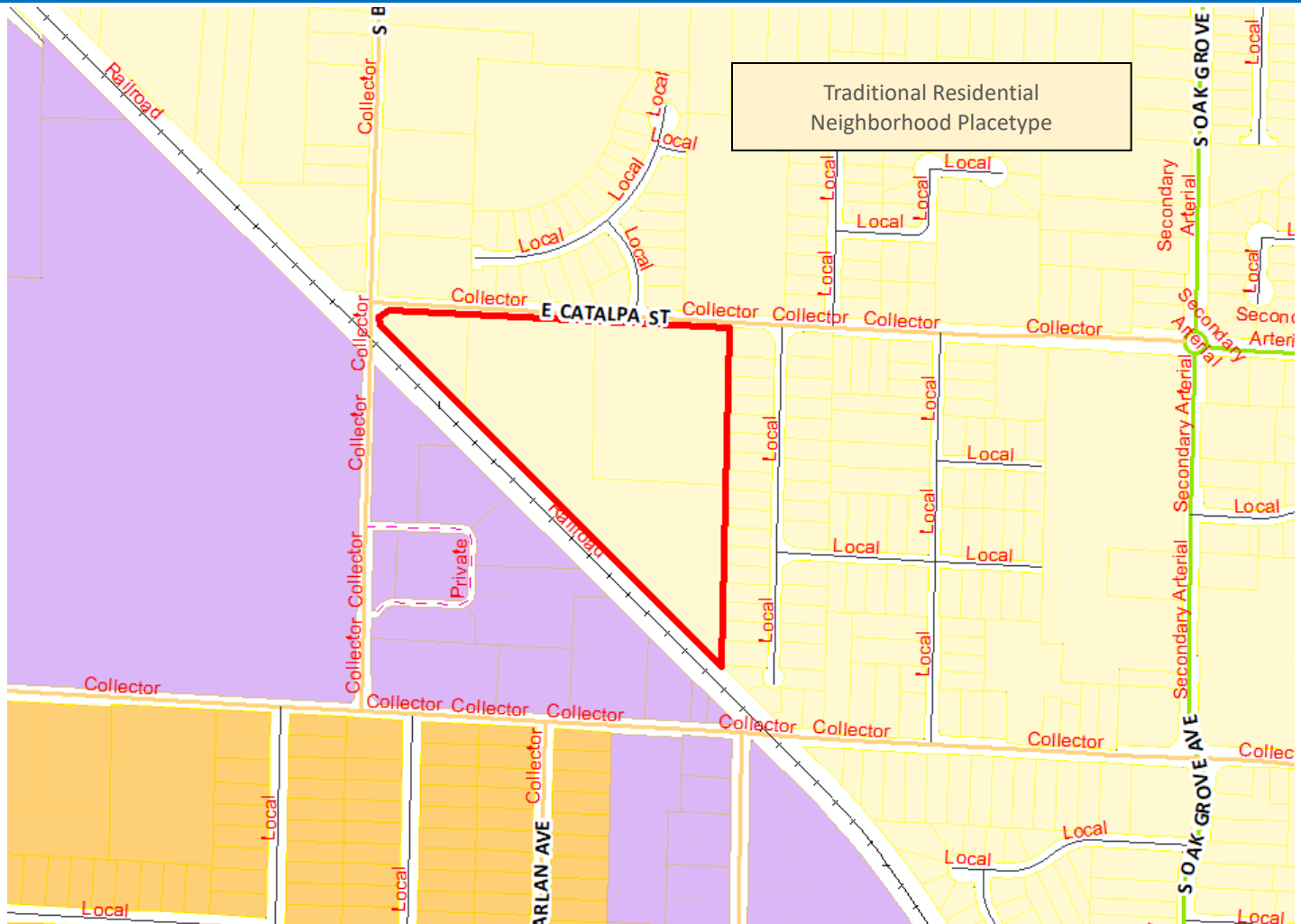


GOOGLE MAPS STREET VIEW:



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FUTURE PLACETYPES FROM DEVELOPMENT & LAND USE PLAN:



City Placetypes

- City Corridor
- Downtown
- Traditional Residential Neighborhood
- Center City Residential Neighborhood
- Industry Logistics
- Institutional Employment Center
- Mixed Residential
- Mixed Use
- Business Flex
- Urban Green Space Recreation

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PROPERTY HISTORY:

The subject properties were all zoned R-SF, Single-family residential district as part of the city-wide remapping which took place in 1995.

City Council approved a rezoning to R-TH, Residential Townhouse district in February 2004.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

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

ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR R-LD
Minimum Yard Requirements	Front yard: 25 feet along a street classified as a Collector or higher, or 15 feet along a street classified as a Local street. Side yard: Five feet for most uses, six feet for townhouses. Rear yard: Equal to 10% of the lot depth, but cannot be narrower than 10 feet and cannot be required to exceed 20 feet.
Maximum Structure Height	35 feet (or two and one-half stories) when side yards are narrower than 15 feet. 45 feet (or three stories) when side yards exceed 15 feet in width. No portion of a multifamily dwelling shall be higher than allowed by a 45-degree bulk plane where the property adjoins an R-SF district.
Minimum Open Space	Not less than 20 percent of the total lot area.
BULK PLANE	BUFFERYARD AND LANDSCAPING
No portion of a multifamily dwelling shall be higher than allowed by a 45-degree bulk plane where the property adjoins an R-SF district.	A bufferyard type B will be required along the east property line adjacent to R-SF zoned property.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Land Use and Development* chapter of the *Comprehensive Plan* includes this site within the Traditional Neighborhood Placetype. This placetype is predominately comprised of single-family detached residential dwellings with generally uniform setbacks, building designs, and parcel sizes. Planning within this placetype is intended to improve the neighborhood's quality of place, which can be achieved through a number of strategies including beautification efforts via streetscaping, increasing access and connections with nearby greenway or trail systems, and supporting low-intensity

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multifamily uses, low-intensity neighborhood commercial uses, or a mix of uses to serve area residents. Multifamily uses are meant to be located along higher classification roadways, near greenways or trails, or in areas identified by residents during the neighborhood planning process. The preservation of residential housing and housing patterns is meant to be prioritized where lots are predominately accessed from side or internal local streets. Furthermore, redevelopment efforts including higher-density housing or commercial uses are to be limited to areas adjacent to identified activity centers, where the redevelopment's anticipated traffic and circulation will not negatively affect the adjoining neighborhood.

The *Land Use and Development* recommends a “step-down approach should be used to create a gradual transition where more intense housing types and dissimilar uses converge along the edges of the neighborhood.” The subject property is located on the edge of a neighborhood in an area where manufacturing and single-family land uses and zoning converge.

STAFF COMMENTS:

1. The subject property is currently zoned R-TH, Residential Townhouse, and the applicant, NGA Holdings, LLC, has requested to rezone the site to R-LD, Low-density Multi-family Residential and establishing Conditional Overlay District No. 223 with the intent to construct a multi-family dwellings.
2. As represented by the area map provided on Page 1 of this report, the subject property is located on the edge of a neighborhood in an area where manufacturing and single-family land uses and zoning converge. The *Land Use and Development* recommends a step-down approach should be used to create a gradual transition where more intense housing types and dissimilar uses converge along the edges of the neighborhood.
3. To help ensure a compatible housing unit density, the applicant will be required to limit the development of property to 11 dwelling units per acre, as indicated in the proposed Conditional Overlay District (COD) No. 223 (Attachment 2). No site plan has been made available for the proposal; however, a site plan is not required for such a rezoning.
4. The surrounding street network is comprised on Catalpa Street and Barnes Avenue, both classified at Collector roadways, and Oak Grove, a secondary arterial. Direct access to this property is from Catalpa Street.
5. The proposed COD will require a Traffic Study at the time of development to ensure that any potential negative impacts on the street network are mitigated.
6. 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.
7. The proposed rezoning was reviewed by City departments, whose comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on January 19, 2023, 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: 43

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. 3 Phase Electric, Gas & Water are available along E Catalpa St.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No impact to public sewer system.

FIRE DEPARTMENT:

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

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

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

PW Stormwater has no concerns for the proposed rezoning. The property at time of development requires onsite and downstream stormwater improvements. 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.

Special Stormwater Requirements

1. The property was rezoned to R-TH on Feb. 23, 2004 by general ordinance 5351. As a condition of this rezoning, building permits may not be issued until the necessary easements are obtained and stormwater improvements are constructed as outlined in the stormwater improvement plan. I can provide you with the stormwater improvement plan that was developed.
2. Part of the stormwater improvements is completing downstream improvements for stormwater connecting the outlet in the BNSF R/W to the Stormwater infrastructure at E Bennett and S Enterprise Ave.

Detention Requirements:

1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in lieu of detention may be allowed per the Director of Public Works.
 - a. Detention is required and a fee in lieu of detention for this development will not be permitted. This site receives the overflow runoff from two large sinkholes in the area and discharges them to the drainage culvert along the railway right-of-way. The two drainage channels can be redesigned and diverted to the proposed two separate detention basins. This offsite runoff will need to be accounted for in the basin designs. Contact PW-Stormwater for assistance in the recorded plans available from the two sinkhole/basins.

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- b. Any stormwater infrastructure serving more than one property needs to be submitted on public improvement plans. <https://www.springfieldmo.gov/DocumentCenter/View/55360/Sept-2021-Design-Standards>
- c. Detention must be built and approved prior to issuance of the building permit.

Water Quality Requirements:

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

Additional Stormwater Standards to be met:

1. A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
2. As-builts of the detention and water quality improvements are required. we would like the following as-built notes on the plans:
 - 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 ENGINEERING DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Catalpa Street as a Collector roadway. The standard right-of-way width from the centerline for E. Catalpa Street is 30 feet. It appears that an additional ± 10 feet of right-of-way is needed along E. Catalpa Street. A survey is recommended to determine the exact amount of existing right-of-way. E. Catalpa Street is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

There is no recent traffic count for E. Catalpa Street. On-street parking is not allowed along E. Catalpa Street.

DRIVEWAY ACCESS

There is no driveway access point onto the property from E. Catalpa Street. 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 E. Catalpa Street. Sidewalk is required to be constructed along E. Catalpa Street to current City Standards as a part of this development.

Development Review Staff Report



TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along E. Catalpa Street near this property.

IMPROVEMENTS

A Traffic Impact Study is required at the time of development. The conditional overlay district is proposing limiting the development to 11 units per acre.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	E. Catalpa Street	Collector	No	20	30
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		0	0	0	
*Proposed Trips Generated		90	105	1125	
Additional Trips Generated		90	105	1125	

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning and Conditional Overlay District (11 units per acre).

Development Review Staff Report



ATTACHMENT 2 CONDITIONAL OVERLAY DISTRICT NO. 223

1. The maximum density for the subject property shall be eleven (11) dwelling units per acre.
2. A traffic study, in a format acceptable to the City, must be submitted at the time of development, and development shall be permitted only after this study is approved by the City's Public Works Department. The requirements of the study shall be incorporated in site plan, PIP, or other permits as applicable, and in accordance with City Code Section 36-250 and Section 9 of Public Works Design Standards. Any necessary improvements that are identified in the traffic study shall be constructed at the expense of the developer. All public improvements must be constructed and approved, or funds escrowed prior to issuance of a building permit.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-TH to R-LD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: January 19, 2023 @ 4:00pm
3. Meeting Location: 2220 Grand St, Springfield, MO 65804
4. Number of invitations that were sent: 263
5. How the mailing list was generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 15
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

See attached

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

N/A

I, Jared Davis (print name), attest that the neighborhood meeting was held on 01/19/2023 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

Jared M. Davis

Printed name of person completing affidavit

Catalpa Zoning Meeting Comments

1. Concern on existing flooding issue and where water from site will go
 - a. Reassured attendees that part of our job in the development is to account for all stormwater and that the site has accounted for detention ponds
2. Pressure on the school that they would be going to
 - a. Main concern was the overcrowding of school districts in the area
 - b. Where will children of these households go/be attending
 - c. Addressed that this would be something that the city would determine in the districting
3. Traffic Volume in the Area
 - a. Main concern was increase in traffic volume and the pre existing traffic conditions of surrounding road ways
 - b. Many asked if a traffic light would be put up to help combat the new traffic that will come from the complex
4. Resident suggestion would be to make it a 55+ community
 - a. Suggestion was that this would combat pressure on the school district for new students

Sign-In

Name	Email	Phone
Carrie Cook	carriefuller1@icloud.com	417-650-6142
Jill Cook	jecook@spsmail.org	417-531-2667
Dan Golosinskiy	bgolos@hotmail.com	360 904 9371
Vlad Loboda	vladsafeway@gmail.com	(417) 291-0594
G.R. STOVALL	grstovall@dewitt-associates.com	417-980-4263
Joyce Peden	barneslane@aol.com	417-848-6907
Shayra Padgett	shayrasade@gmail.com	417-210-3544
Lucille Garrison	lgarrison40@att.net	417-818-4849
Sherry Lincoln	sherrywhitson@missouri-state.edu	417 880 6220
TIM ELLIS	MRTIMOTHYELLIS@GMAIL	417 766 4315
Angela Ellis	angelaKm1970@gmail.com	417-597-5991
Jeff Berger	JBERGER51@ATT.NET	417-859-7723
Amanda Johnson	ajches13@gmail.com	615 852 0832
Leslie Vandenberg	lvandenberg1703@yahoo	417 839 6338
Amelia Mooney	Mooney636@att.net	417 864 6003

Menke, Andrew

Subject: FW: catalpa and barnes rezoning

From: Larry Davis <ldavis230@gmail.com>

Sent: Thursday, February 9, 2023 2:47 PM

To: Werland, Amy <awerland@springfieldmo.gov>

Subject: Fwd: catalpa and barnes rezoning

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

subject: rezoning of 24 acres at catalpa and barnes

hello....i am a 71 year old native of springfield living at 2120 e. grand and have been at this address for half of those 71 years. i have history with the neighborhood growing up and for the past 15 years. i have some concerns with the proposed rezoning of the acreage along catalpa just east of barnes. my understanding is that apartments will be built on the location...at least two stories and possibly three. these concerns include but are not limited to:

1. the south portion of the field is a floodplain that drains basically everything east to oak grove and becomes a swamp after a rain. the drop-off to this floodplain begins about 75 yards from catalpa. there is already a problem with run-off from this area after a rain and this development will just worsen that.
2. catalpa and barnes are both narrow streets with no shoulders and parts of a bike route. the increased traffic volume will create hazardous conditions for existing neighborhood traffic and dangerous conditions for bicyclists and pedestrians. parts of catalpa from barnes to oak grove do not have sidewalks and the sidewalk on barnes north of catalpa has no buffer between it and the street. there is no sidewalk on barnes south of the railroad tracks to bennett. additionally, grand st. already carries a heavy volume of traffic as does oak grove and these will only see increases.
3. apartments at this location just do not fit in with the neighborhood and existing housing. the closest existing apartments in any direction are at least a mile away, i believe: columns 4 on east sunshine, the apartments at cherry and barnes, the old town and campus and adjacent apartments north of grand and the new apartments on east cherry adjacent to hwy 65 that morelock recently built.
4. this neighborhood already has enough negatives with kraft, the railroad...both of which can be a real nuisance, and the traffic. we don't need any more and i see the increased density of housing as another negative. can't we have some greenspace in springfield? i sometimes wonder with all the development we have seen in the last 10 years.

i urge you to vote no on this rezoning and ask nga holdings to revise their plan to better suit the neighborhood. thank you for your time and consideration of this communication.

larry davis 2120 e. grand 417-413-6093

EXPLANATION TO COUNCIL BILL 2023-064 (OLLIS)

FILED: 03/10/2023

ORIGINATING DEPARTMENT: Public Works

PURPOSE: A special ordinance authorizing a budget adjustment to amend the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$1,530,000 to appropriate fund balance reserves from the 1/4-cent Capital Improvement Sales Tax and the 1/8-cent Transportation Sales Tax to fund the design and right-of-way acquisition for six projects that have been awarded American Rescue Plan Act funds to be used for construction.

BACKGROUND INFORMATION: Purpose: To approve a budget adjustment amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$1,530,000 to appropriate fund balance reserves from the 1/4-cent Capital Improvements Sales Tax (\$765,000) and the 1/8-cent Transportation Sales Tax (\$765,000) to fund design and right-of-way acquisition for six projects that have been awarded American Rescue Plan Act ("ARPA") federal funds for construction through the Missouri Department of Natural Resources ("MDNR").

Public Works applied for State ARPA grant funding through the MDNR to assist with construction of multiple stormwater projects. Notification of the intent to award construction funding was received in November 2022. The stormwater improvement projects awarded ("Exhibit A") and the estimated design and right-of-way acquisition costs to be funded by local funds are:

- Scenic Avenue between Catalpa and Sunshine (\$625,000)
- Hilton Avenue between Mt. Vernon and Walnut (\$150,000)
- Pacific Street between Colgate and Golden (\$240,000)
- Clifton Avenue between Kearney and High (\$40,000)
- Nichols Street between Hutchinson and Dickerson (\$35,000)
- Scenic Avenue between Olive and Catalpa (\$440,000)

These projects include improvements such as the addition of curb and gutter, stormwater inlets, storm pipe, and sidewalk. This budget adjustment allocates 1/4-cent Capital Improvement Sales Tax reserves (\$765,000) and 1/8-cent Transportation Sales Tax reserves (\$765,000) needed to complete the designs and necessary easement and right of way acquisitions in a timely manner to meet the deadlines associated with expending the ARPA federal grant funds for construction.

Acceptance and budgeting of the ARPA federal grant construction funding will be requested in a future Council bill.



Supports the following City Council Priorities:

- Public safety
- Quality of place
- Fiscal sustainability

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

Submitted By: Martin Gugel, Assistant Director of Public Works

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

Dan Smith, Director of Public Works 3/2/2023

Maurice S. Jones, Deputy City Manager 3/7/2023

Attachments:

1. ARPA Stormwater Design Funds_Ord
2. ARPA Stormwater Design Funds_exhA
3. ARPA Stormwater Design FundsBA_exhB

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 03-14-23

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-064

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING a budget adjustment to amend the budget of the Department of
2 Public Works for Fiscal Year 2022-2023 in the amount of \$1,530,000
3 to appropriate fund balance reserves from the 1/4-cent Capital
4 Improvement Sales Tax and the 1/8-cent Transportation Sales Tax
5 to fund the design and right-of-way acquisition for six projects that
6 have been awarded American Rescue Plan Act funds to be used for
7 construction.
8 _____
9

10 WHEREAS, the Department of Public Works applied for Missouri state American
11 Rescue Plan Act ("ARPA") grant funding to assist with construction of multiple stormwater
12 projects; and
13

14 WHEREAS, these ARPA funds are to be used for the construction of six
15 stormwater projects located around the City; and
16

17 WHEREAS, additional funds need to be allocated to complete the designs and
18 necessary right-of-way and easement acquisitions; and
19

20 WHEREAS, an amendment to the budget of the Department of Public Works for
21 Fiscal Year 2022-2023 has been approved and recommended by the City Manager and
22 the Director of Public Works.
23

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

27 Section 1 – The City Manager, or his designee, is hereby authorized on behalf
28 of the City of Springfield, Missouri, to appropriate fund balance reserves, in the amount
29 of \$1,530,000, for the purpose of designing the stormwater improvements depicted on
30 "Exhibit A," which is attached hereto and incorporated herein by reference, and
31 acquiring any easements or right-of-way necessary for construction.
32

33 Section 2 – The budget of the Department of Public Works for Fiscal Year 2022-

2023 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 044, a copy of which is attached hereto and incorporated herein by reference as "Exhibit B."

Section 3 – City Council hereby finds that the budget adjustment made in Section 2 above has been recommended by the City Manager and further finds the adjustment necessary to allow the proper funding of the stormwater improvements around the City and any contingencies.

Section 4 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City.

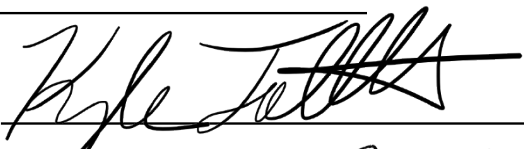
Section 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

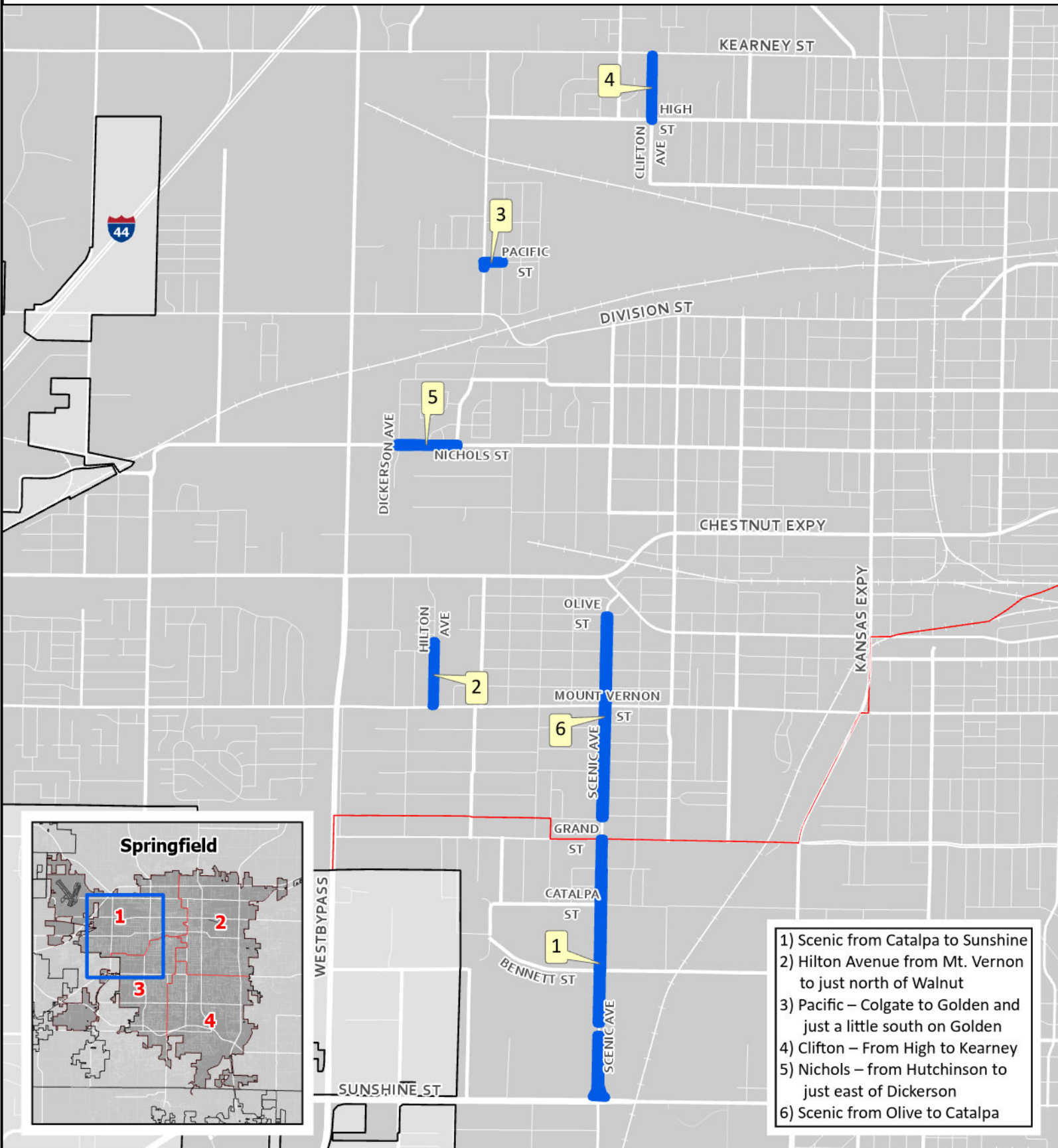
Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

Exhibit A – Location Map



CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
044

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
Net Revenue Adjustment						\$ -	

Expenditures:

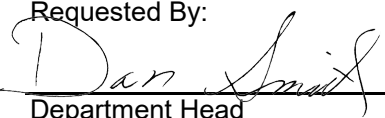
Fund	Dept	Org	Account	P&G	Location	Amount	Description
40056	20	73020	508350	000000	00000	\$ 312,500	Scenic Avenue between Catalpa & Sunshine
41080	20	73020	508350	000000	00000	312,500	Scenic Avenue between Catalpa & Sunshine
40057	20	73020	508350	000000	00000	75,000	Hilton Avenue between Mt. Vernon & Walnut
47040	20	73020	508350	000000	00000	75,000	Hilton Avenue between Mt. Vernon & Walnut
40055	20	73020	508350	000000	00000	120,000	Pacific Street between Colgate & Golden
41050	20	73020	508350	000000	00000	120,000	Pacific Street between Colgate & Golden
40055	20	73020	508350	000000	00000	20,000	Clifton Avenue between Kearney & High
41040	20	73020	508350	000000	00000	20,000	Clifton Avenue between Kearney & High
40055	20	73020	508350	000000	00000	17,500	Nichols Street between Hutchinson & Dickerson
41060	20	73020	508350	000000	00000	17,500	Nichols Street between Hutchinson & Dickerson
40057	20	73020	508350	000000	00000	220,000	Scenic Avenue between Olive & Catalpa
41080	20	73020	508350	000000	00000	220,000	Scenic Avenue between Olive & Catalpa
Net Expenditure Adjustment						\$ 1,530,000	

Fund Balance Appropriation:

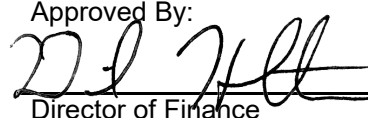
Fund	Title	Amount
Various	1/8-cent Transportation Sales Tax	\$ (765,000)
Various	1/4-cent Capital Imp. Sales Tax	(765,000)

Explanation: To amend the FY2022-23 budget by appropriating fund balance reserves from the 1/8-cent Transportation Sales Tax in the amount of \$765,000 and fund balance reserves from the 1/4-cent Capital Improvement Sales Tax in the amount of \$765,000 for design and right of way acquisition for six (6) stormwater projects with sidewalk improvements that have been awarded ARPA federal funds for construction.

Requested By:

 3-14-2023
Department Head Date

Approved By:

 3-14-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-064
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2023-065 (HORTON)

FILED: 03/10/2023

ORIGINATING DEPARTMENT: Economic Vitality

PURPOSE: A special ordinance amending the budget of the City of Springfield for Fiscal Year 2022-2023 in the amount of \$380,000 for the purpose of approving expenditures from the Commercial Street Tax Increment Financing Special Allocation Fund for certain public improvement projects within the Commercial Street Tax Increment Financing District; and amending the Capital Improvements Program to add the funded projects.

BACKGROUND INFORMATION: Purpose: To amend the budget of the City of Springfield for Fiscal Year 2022-2023 in the amount of \$380,000 for the purpose of approving expenditures from the Commercial Street Tax Increment Financing ("TIF") Special Allocation Fund for certain public improvement projects within the Commercial Street TIF District; and amending the Capital Improvements Program to add the funded projects.

The Commercial Street Historic District Strategy for Success was accepted by Council by Resolution 9338 on March 6, 2006. The Strategy recommended the use of TIF for sustained redevelopment and revitalization. Council directed City staff to prepare a TIF Redevelopment Plan for the area.

City Council approved the Commercial Street TIF Plan by Special Ordinance 25373 on April 7, 2008. The purpose of the Plan is to establish a process by which public improvements within the area will occur. The premise of the Plan is that public investment in key projects will provide incentives for sustained private redevelopment investment in the area.

The TIF Plan outlines eligible projects and the process by which funds captured by TIF may be expended. An annual public meeting is to be held with area residents, property owners and businesses in which City staff provides the balance of the Special Allocation Fund and recommendations for projects. Participants at this meeting review the materials and identify their priorities. Following the meeting, City staff finalized the recommendation to City Council considering stakeholder input, project feasibility, cost and nature of financing. City Council makes the final decision regarding expenditure of the Special Allocation Fund.

REMARKS: City staff held a public meeting on September 28, 2022, to gather input from Commercial Street property owners, business owners, and residents prior to making these recommendations. An online survey was also conducted. A summary of the meeting and survey results is attached as "Exhibit A."

Staff Recommendations: Staff recommends approval of expenditures from the TIF Special Allocation Fund in the amount of \$380,000 towards construction of three gateway elements as follows:

- Two obelisk gateways to be located at the intersections of Lyon and Commercial and Washington and Commercial
- A gateway arch over Boonville Avenue near Blaine Street.
- Construction bid will include the bookend gateways at Lyon and Washington with a alternate bid for the Boonville arch gateway, to be awarded based on financial feasibility. Additional allocation of funds may be required for Boonville subject to construction costs.
- Staff recommends a total cost not to exceed \$530,000 (\$380,000 per this request plus \$150,000 currently allocated), and to proceed with construction of all three gateways. Council previously approved \$150,000 for design and construction of gateways by Special Ordinance 27265 in January 2020. This allocation will commit all but \$3,082.74 of the available Special Allocation Fund.

The next Commercial Street TIF stakeholder meeting is planned for Summer 2023 to provide an update on the funded projects and recommendations for future projects. Public Works and Economic Vitality staff will continue to coordinate with Commercial Street stakeholders on design and construction of all funded projects.

Submitted By: Olivia Hough, Senior City Planner

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

Maurice S. Jones, Deputy City Manager 3/6/2023

Attachments:

1. Commercial Street TIF Allocation 20231_Ord
2. C Street TIF Exhibit A
3. Commercial Street TIF BA - Exhibit B

One-rdg. _____
P. Hrngs. _____
Pgs. 9
Filed: 03-14-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-065

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the budget of the City of Springfield for Fiscal Year 2022-2023 in the
2 amount of \$380,000 for the purpose of approving expenditures from the
3 Commercial Street Tax Increment Financing Special Allocation Fund for
4 certain public improvement projects within the Commercial Street Tax
5 Increment Financing District; and amending the Capital Improvements
6 Program to add the funded projects.
7 _____
8

9 WHEREAS, the Commercial Street Historic District Strategy for Success was
10 approved by City Council Resolution 9388 on March 6, 2006, and recommended the
11 use of Tax Increment Financing ("TIF") funding for redevelopment and revitalization in
12 and around Commercial Street; and
13

14 WHEREAS, the Commercial Street TIF Plan ("Plan") approved by Special
15 Ordinance 25373 on April 7, 2008, established a process to fund and implement public
16 improvements within the TIF District; and
17

18 WHEREAS, the Plan outlines projects for which Commercial Street TIF funds
19 may be used and provides for annual input from stakeholders to assist the City in
20 prioritizing projects; and
21

22 WHEREAS, this year's annual stakeholder meeting was held on September 28,
23 2022, and an online survey was conducted. A summary of this meeting and the survey
24 results is attached as "Exhibit A;" and
25

26 WHEREAS, based on the input received at the September 28, 2022, meeting
27 and through the online survey, City staff recommends that City Council approve
28 expenditures from the Commercial Street TIF Special Allocation Fund in the amount of
29 \$380,000 to fund certain public improvement projects; and
30

31 WHEREAS, City Council now desires to allocate \$380,000 from the Commercial
32 Street TIF Special Allocation Fund to fund these public improvements in the
33 Commercial Street TIF District; and

WHEREAS, City Council desires to amend the 2022-2027 Capital Improvements Program ("CIP") by adding funding for these public improvement projects in the Commercial Street TIF District to the CIP.

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

Section 1 – City Council hereby authorizes the expenditure of funds from the Commercial Street TIF Special Allocation Fund, in the amount of \$380,000, to fund the following public improvement projects in the Commercial Street TIF District:

- a. Construction of an obelisk gateway at the intersection of North Lyon Avenue and West Commercial Street.
- b. Construction of an obelisk gateway at the intersection of North Washington Avenue and West Commercial Street.
- c. Construction of a gateway arch over North Boonville Avenue near East Blaine Street.

Section 2 – A budget adjustment for said Special Allocation Fund is hereby submitted for Fiscal Year 2022-2023, in the accounts and in the amounts as shown on Budget Adjustment No. 046, a copy of which is attached hereto and incorporated by reference as "Exhibit B."

Section 3 – The City Manager is hereby directed to cause the appropriate accounting entries to be made in the books and records of the City to reflect the budget adjustment described in "Exhibit B."

Section 4 – City Council hereby amends the CIP by adding funding for these public improvements in the Commercial Street TIF District to the 2022-2027 CIP.

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

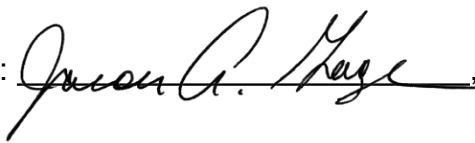
79 Approved for Council action: , City Manager

EXHIBIT A

Commercial Street TIF District

Summary of Annual Public Input



A public meeting was held on **Thursday September 28, 2022**, from 5:00 to 7:30 PM, at White River Brewing Company, located at 505 West Commercial Street, to provide information and receive input on the Tax Increment Financing (TIF) Special Allocation Fund and potential future projects for the Commercial Street TIF District. Approximately **40 people attended** the meeting based on an informal head count and 34 people signed in. City Staff present included Olivia Hough, Jennifer Swan, Tim Rosenbury and Judy White. Benjamin Van Eps and George Mandrik with BRP Architects attended and presented gateway concept designs.

Public Notification

The meeting notice was posted with the City Clerk's Office, distributed to City Council and emailed to representatives from the Commercial Club, Community Improvement District, and the C-Street Merchants Association. Meeting flyers were distributed to businesses in the district and posted on the C-Street website and social media. The City's Public Information Office issued a press release on September 20th resulting in local media coverage on the morning of the meeting encouraging the public to attend: <https://www.ky3.com/2022/09/28/city-springfield-hosts-commercial-street-tax-increment-financing-meeting/>

Meeting Format

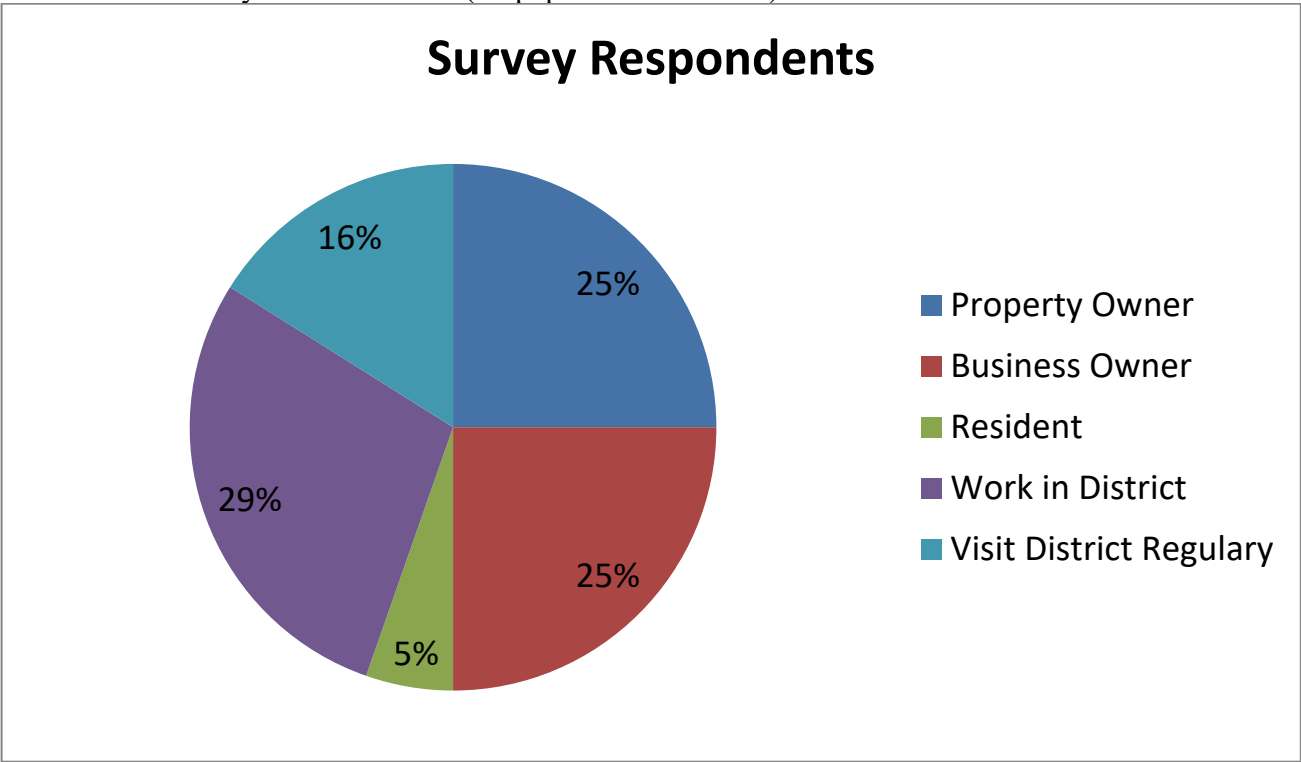
Monica Horton, Zone 1 City Counselor, welcomed meeting participants. Olivia Hough, Senior Planner, Economic Vitality, presented a background on the TIF Redevelopment Plan, eligible projects, status of current projects and provided an update on the balance of the Special Allocation Fund of \$841,886 with \$382,585 being unallocated. City consultant, Benjamin Van Epps, BRP Architects, presented gateway design concepts. Design renderings and information were provided on boards for discussion



before and after the presentations. Discussion was held on the gateway designs and options for allocation of TIF funds. Comment cards collected at the meeting and an online survey remained open for two weeks. Updates were provided on the status of the public parking lots under construction, new wayfinding signage, public art and the Jefferson Avenue Footbridge funding and Footbridge Plaza concept. A copy of the presentation and online survey were made available at <https://www.springfieldmo.gov/5530/C-Street-TIF-Projects>

SURVEY RESULTS

A total of 40 surveys were received (20 paper and 20 online).



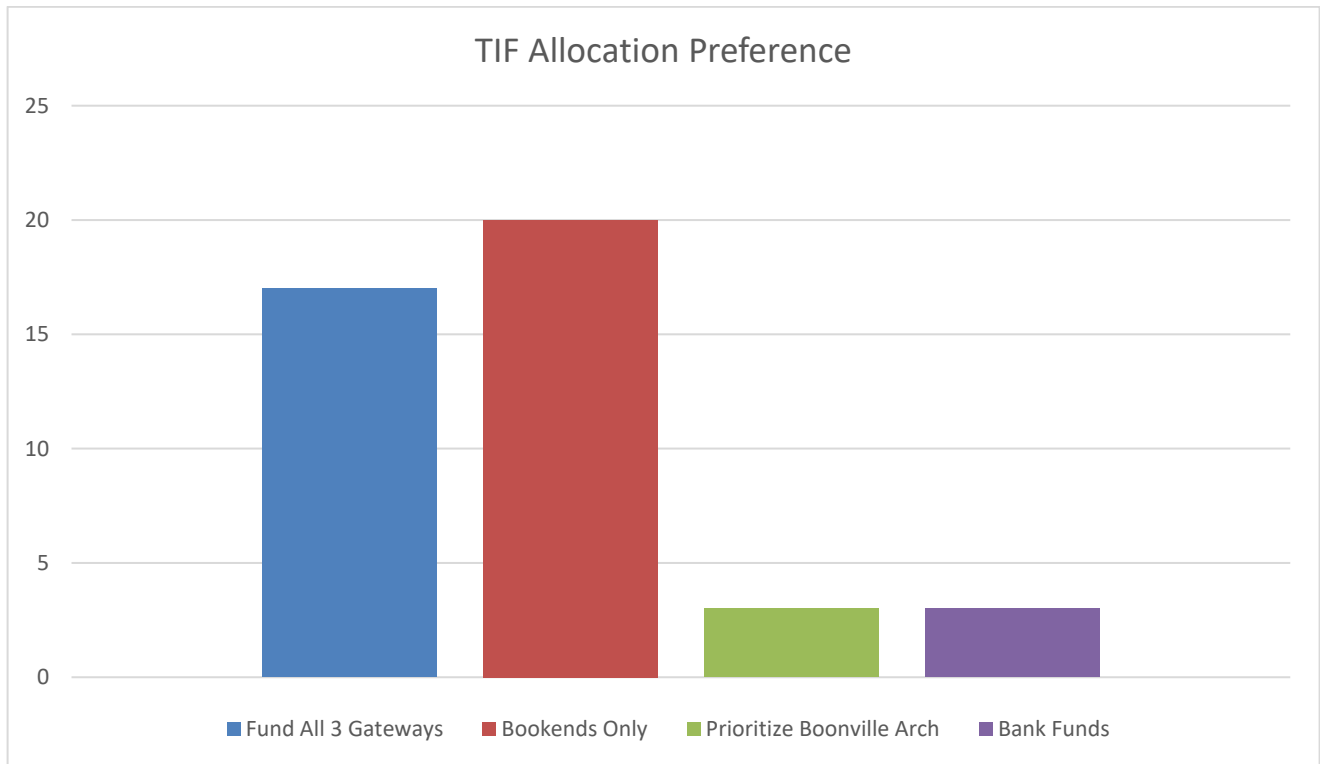
Several respondents identified themselves under multiple categories. Some said they both own property and run a business in the district, or they own a business and work in the district for example.

Participants were asked to provide input on how to allocate TIF Funding (see attached survey). Options provided included:

1. Allocating the total available \$360,000 to construct all three gateways
2. Allocate \$260,000 to construct the east and west bookend obelisk gateways
3. Bank the Funds for future projects
4. Other (write in option)

The overwhelming majority, **93%, support allocating additional funds to complete the gateways.** Three people said they prefer to bank the funds for future projects. Reasoning for banking the funds was due to the high construction costs which they expect to decline and prefer to wait, and one said they think more funds should go to parking and alleyways.

It was nearly a 50/50 split between allocating the total balance to complete all three gateways or allocating \$260,000 to construct the east and west end gateways and banking the balance for a future project. Three respondents selected “other” and said the Boonville gateway is their top priority.



Comments on the gateway concept designs were generally positive. Suggestions included the addition of adjustable colored lighting, unique decorative elements, and ability to attach seasonal banners. There was consensus on the lower portions of the gateways and the size and scale. Materials were found to be fitting with the district; however, stakeholders would like more “sizzle” and C-Street specific design incorporated into the upper portions especial for the obelisks. Comments were that they were too “corporate” or “bland.” Suggestions included a “C” weathervane, kinetic sculpture, tapered building replica with window style, spherical orb toper, or something reminiscent of the Frisco orange color or light added. Staff have instructed BRP to creatively refine the designs with some alternatives based on this feedback.



CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
046

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
Net Revenue Adjustment						\$ -	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
43050	23	60210	509110	000000	00000	\$ 380,000	Commercial St TIF Gateway Construction
Net Expenditure Adjustment						\$ 380,000	

Fund Balance Appropriation:

Fund	Title	Amount
43050	Commercial St TIF Fund	\$ (380,000)

Explanation: To amend the Fiscal Year 2023 budget by appropriating accumulated fund balance from the Commercial Street Tax Increment Financing ("TIF") Special Allocation Fund for certain public improvement projects within the Commercial Street TIF District; and amending the Capital Improvements Program to add the funded projects.

Requested By:

 3-14-2023
Department Head Date

Approved By:

 3-14-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-065
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2023-066 (HARDINGER)

FILED: 03/10/2023

ORIGINATING DEPARTMENT: Law

PURPOSE: A special ordinance authorizing the City Manager, or his designee, to execute Settlement Participation Forms from the National Opioids Settlement Administrator for the purpose of enlisting the City as a Participating Subdivision in additional settlements that are part of the national opioids litigation; and declaring an emergency pursuant to City Charter Section 2.12.

BACKGROUND INFORMATION: Opioid dependency in the United States has triggered a national crisis. In response to the crisis, states, and local governments, including the City of Springfield, filed litigation against opioid manufacturers and distributors. Over 3,000 of these cases were combined together in the opioid multi-district litigation to streamline procedural issues of similar cases prior to trial.

In 2021, the Plaintiffs' Executive Committee in the multi-district opioid litigation announced the terms of a global settlement agreement with opioid manufacturer Janssen and several drug distributors. The State of Missouri and the City both chose to participate in the global settlement agreement, and the City entered into an allocation agreement with the State.

Now, five new proposed national opioid settlements have been reached with the following defendants: Teva, Allergan, CVS, Walgreens, and Walmart. The State of Missouri has chosen to participate in the five new settlement agreements, making political subdivisions in Missouri, including the City, eligible to participate in the agreements. As such, the National Opioid Settlement Administrator has provided the City Participation Forms for each of the five new settlements. These Forms must be executed and submitted on or before April 18, 2023, in order for the City to be considered for initial participation calculations and payment eligibility. Approval of this Ordinance would authorize the City to participate in the settlement agreement. Participation in the settlement would require that the City release the defendants from any and all future claims regarding the opioid epidemic. The amount of funds the City would receive is dependent on the participation levels of other political subdivisions and the allocation amount determined by the State of Missouri.

Additionally, this Ordinance would authorize the City Manager to execute Participation Forms provided by the National Opioid Settlement Administrator for any additional national opioid settlements in the future, provided that the State of Missouri chooses to participate in such settlements.

This Ordinance is presented as an emergency under Charter Section 2.12 in order to



allow timely approval if amendment is necessary. However, this Ordinance is expected to have two readings.

Submitted By: Rhonda Lewsader, City Attorney

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

Jason Gage, City Manager 3/7/2023

- Attachments:**
1. Opioid Participation Forms Approval_ord
 2. Opioid Litigation_Ex 1
 3. Opioid Litigation_Ex 2
 4. Opioid Litigation_Ex 3
 5. Opioid Litigation_Ex 4
 6. Opioid Litigation_Ex 5

One-rdg. _____
P. Hrngs. _____
Pgs. 19
Filed: 03-14-23

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-066

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to execute Settlement Participation
2 Forms from the National Opioids Settlement Administrator for the
3 purpose of enlisting the City as a Participating Subdivision in additional
4 settlements that are part of the national opioids litigation; and declaring
5 an emergency pursuant to City Charter Section 2.12.
6 _____
7

8 WHEREAS, opioid dependency in the United States has triggered a national
9 crisis; and
10

11 WHEREAS, the City of Springfield and many other states and local governments
12 filed lawsuits against opioid manufacturers and distributors and over 3,000 of these
13 cases were combined in the opioids multi-district litigation; and
14

15 WHEREAS, in 2021, the Plaintiffs' Executive Committee in the multi-district
16 opioids litigation announced the terms of a global settlement agreement ("National
17 Opioids Settlement") with opioid manufacturer Janssen and several drug distributors;
18 and
19

20 WHEREAS, the State of Missouri and the City both chose to participate in the
21 global settlement agreement with Janssen and the drug distributors, and the City
22 entered into an allocation agreement with the State; and
23

24 WHEREAS, five new proposed national opioid settlements have been reached
25 with Teva, Allergan, CVS, Walgreens, and Walmart; and
26

27 WHEREAS, the State of Missouri has chosen to participate in the five new
28 settlement agreements, making political subdivisions in Missouri, including the City,
29 eligible to participate; and
30

31 WHEREAS, the National Opioid Settlement Administrator has provided the City
32 Settlement Participation Forms for each of the five new settlements and said Forms

must be executed and submitted on or before April 18, 2023, in order for the City to be considered for initial participation calculations and payment eligibility.

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

Section 1 – The City Manager, or his designee, is hereby authorized to execute the Settlement Participation Forms for Allergan, Teva, CVS, Walgreens, and Walmart received from the National Opioids Settlement Administrator, said participation forms to be substantially the same as the documents attached hereto and incorporated herein by reference as “Exhibits 1, 2, 3, 4, and 5” for the purpose of enlisting the City as a Participating Subdivision in the settlements with said entities in the national opioids litigation.

Section 2 – The City Manager, or his designee, is hereby authorized to enter into any future Settlement Participation Forms provided by the National Opioids Settlement Administrator for the purpose of enlisting the City as a Participating Subdivision in the settlements with any other defendants in the national opioids litigation provided that the State of Missouri has opted to participate in such settlements.

Section 3 – City Council hereby finds and declares that an emergency exists in that adoption of this Ordinance is required to preserve the City’s ability to meet the deadline to receive additional participation incentive funds to combat the opioid epidemic in the National Opioids Settlement. Therefore, this Ordinance relates to the preservation of public property, health, and safety pursuant to Section 2.12 of the City Charter and may be passed in one reading. This Ordinance shall be in full force and effect immediately upon adoption.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Rhonda Lewsader, City Attorney

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

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Will your subdivision or special district be signing the settlement participation forms for the Allergan and Teva Settlements at this time?

☐ Yes ☐ No

Governmental Entity: Springfield city	State: MO
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Allergan Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.



7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.



I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Exhibit K
Subdivision and Special District Settlement Participation Form

Governmental Entity: Springfield city	State: MO
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Teva Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Teva Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Teva Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Teva Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Teva Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Teva Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the terms of the Teva Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Teva Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Teva Settlement.



8. The Governmental Entity has the right to enforce the Teva Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Teva Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Teva Settlement are intended by Released Entities and the Governmental Entity to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Teva Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Teva Settlement.
11. In connection with the releases provided for in the Teva Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Teva Settlement.

12. Nothing herein is intended to modify in any way the terms of the Teva Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Teva Settlement in any respect, the Teva Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation and Release Form**

Will your subdivision or special district be signing the settlement participation form for the CVS Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Springfield city	State: MO
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*CVS Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.



11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation and Release Form**

Will your subdivision or special district be signing the settlement participation form for the Walgreens Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Springfield city	State: MO
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 (“*Walgreens Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.



11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation Form**

Will your subdivision or special district be signing the settlement participation form for the Walmart Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Springfield city	State: MO
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 ("Walmart Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____





EXPLANATION TO COUNCIL BILL 2023-067 (LEAR)

FILED: 03/10/2023

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: A special ordinance authorizing the City Manager, or his designee, to accept pass-through federal grant funds from the Watershed Committee of the Ozarks, which received a Section 319 Nonpoint Source Grant from the Missouri Department of Natural Resources for the purpose of constructing stormwater green infrastructure projects; entering into an agreement with the Watershed Committee of the Ozarks; and amending the budget of the Department of Environmental Services for Fiscal Year 2022-2023 in the amount of \$40,000.

BACKGROUND INFORMATION: Purpose: Authorizing the City Manager, or his designee, to accept pass-through federal grant funds from the Watershed Committee of the Ozarks ("WCO"), who received a Section 319 Nonpoint Source Grant from the Missouri Department of Natural Resources ("MDNR") for the purpose of constructing stormwater green infrastructure projects; to enter into an agreement with WCO; and amending the budget of the Department of Environmental Services for Fiscal Year 2022-2023 in the amount of \$40,000 to appropriate the federal grant funds.

The Watershed Committee of the Ozarks applied for and received Section 319 Nonpoint Source federal grant funds from the Missouri Department of Natural Resources to improve water quality in the Upper Little Sac River watershed. The City supports the goals of the grant to improve water quality and desires to partner with WCO to implement green infrastructure projects to be partially funded by this Section 319 Grant Program in the maximum amount of \$40,000. This amount may be increased by up to 20% (\$8,000) should additional Section 319 Grant Program funds become available for green infrastructure projects.

The City will also provide in-kind services and/or non-federal matching funds with a total minimum value of \$20,000 for technical support, management, and implementation of green infrastructure projects. Additionally, the City routinely performs water quality monitoring and will document and report the value of that monitoring as in-kind match. Matching funds will be provided through the Clean Water Fund annual operating budget.

REMARKS: This Council bill will authorize the City of Springfield to accept the grant funds. Environmental Services recommends approval of this Council Bill and budget adjustment.

Submitted By: Ron Petering, Assistant Director of Environmental Services



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

Maurice S. Jones, Deputy City Manager 3/6/2023

- Attachments:**
1. Watershed Committee 319 Grant_ord
 2. Watershed Committee 319 Grant_ExhA
 3. Watershed Committee 319 Grant_Exh1
 4. Watershed Committee 319 Grant BA_ExhB

One-rdg. _____
P. Hrngs. _____
Pgs. 9
Filed 03-14-23

Sponsored by Lear

First Reading _____

Second Reading _____

COUNCIL BILL 2023-067

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept pass-through federal
2 grant funds from the Watershed Committee of the Ozarks, which
3 received a Section 319 Nonpoint Source Grant from the Missouri
4 Department of Natural Resources for the purpose of constructing
5 stormwater green infrastructure projects; entering into an agreement
6 with the Watershed Committee of the Ozarks; and amending the
7 budget of the Department of Environmental Services for Fiscal Year
8 2022-2023 in the amount of \$40,000.
9 _____

10
11 WHEREAS, Watershed Committee of the Ozarks ("WCO") applied for and received
12 Section 319 Nonpoint Source federal grant funds from the Environmental Protection
13 Agency through the Missouri Department of Natural Resources to improve water quality
14 in the Upper Little Sac River watershed; and
15

16 WHEREAS, the City desires to partner with WCO to implement green infrastructure
17 projects and support the goals of the grant to improve water quality.
18

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

22 Section 1 – The City Manager, or his designee, is hereby authorized to accept pass-
23 through federal funds in the amount of \$40,000, from the WCO, for use in stormwater
24 green infrastructure projects, and to enter into an agreement similar to that attached
25 hereto as "Exhibit A" and incorporated herein by this reference, provided the form of any
26 such agreement is approved the City Attorney.
27

28 Section 2 – The budget of the Department of Environmental Services, for Fiscal
29 Year 2022-2023, is hereby authorized to be amended in the accounts and in the
30 amounts as shown on Budget Adjustment No. 042 in the Amount of \$40,000.00, a copy
31 of which is attached hereto and incorporated herein by reference as "Exhibit B" upon
32 receipt of funds from WCO.
33

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

36
37 Section 4 – The City Manager is directed to cause the appropriate accounting
38 entries to be made in the books and records of the City. In the event additional funding
39 is provided under this grant by the grantor, the Director of Finance is hereby authorized
40 to adjust this appropriation by an amount not to exceed 20 percent.

41
42 Section 5 – This Ordinance shall be in full force and effect from and after passage.

43
44 Passed at meeting: _____

45
46 _____
47 Mayor

48
49 Attest: _____, City Clerk

50
51 Filed as Ordinance: _____

52
53
54 Approved as to form: John Millington, Deputy City Attorney

55
56
57 Approved for Council action: Jason A. Hays, City Manager

Exhibit A

INTERLOCAL AGREEMENT BETWEEN THE CITY OF SPRINGFIELD, MISSOURI, AND THE WATERSHED COMMITTEE OF THE OZARKS

This Interlocal Agreement is made and entered into this ____ day of _____ 2022, by and between the City of Springfield, acting by and through its governing body the City Council ("City") and the Watershed Committee of the Ozarks ("WCO"), all of Greene County, State of Missouri.

WHEREAS, this Agreement is made under the authority of City Council, Special Ordinance No. _____, passed the ____ day of _____ 2022; and

WHEREAS, WCO submitted an application to the Missouri Department of Natural Resources (MoDNR) under the United States Environmental Protection Agency (EPA) 319 Nonpoint Source Grant Program for federal funds for the Upper Little Sac Implementation Project. Funds shall be applied toward projects that reduce pollutant loadings for nutrients, sediment, and bacteria. WCO has received funding and approval from MoDNR in accordance with the Grant Agreement dated September 1, 2021.

WHEREAS, the City wants to partner with WCO on Green Infrastructure Projects to be partially funded by this 319 Grant Program in the maximum amount of \$40,000 which may be increased by up to 20% should additional 319 Grant Program funds become available for Green Infrastructure Projects. The City will provide in-kind services and/or non-federal matching funds with a total minimum match value of \$20,000 for technical support, management, and implementation of Green Infrastructure Projects.

WHEREAS, the City routinely performs water quality monitoring in the Upper Little Sac Watershed and desires to voluntarily support the Upper Little Sac Implementation Project by documenting and reporting the value of that monitoring as in-kind match.

NOW THEREFORE, the City of Springfield and the Watershed Committee of the Ozarks agree as follows:

Section 1. Services by City. The City agrees to provide in-kind services and/or non-federal matching funds with a total minimum match value of \$20,000 for technical support, management, and implementation of Green Infrastructure Projects, and to document and report the value of routine water quality monitoring in the Upper Little Sac Watershed as in-kind match.

Section 2. Payment for Services. WCO agrees to pay the City for design and construction expenses for Green Infrastructure Projects implemented by the City in accordance with the schedule set forth in "Exhibit 1" and incorporated herein ("Schedule for Payment").

Section 3. Other Terms and Conditions. The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

- a. Conflicts. No salaried officer or employee of the WCO, the City, and no member of the City Council shall have a financial interest, direct or indirect, in this contract. A violation of this provision renders the contract void.
- b. Liability. The City hereby agrees to assume responsibility for the liabilities imposed by law on its employees, agencies, and institutions. WCO hereby agrees to assume responsibility for the liabilities imposed by law on its employees, agencies, and institutions. Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.
- c. Compliance with Laws. The City and WCO agree to comply with all laws, statutes, and regulations applicable to this Agreement.
- d. Assignment. No assignment of this Agreement can be made by either party without the prior written consent of the other party.
- e. Notices. All notices required or permitted herein under and required to be in writing may be given by first class mail addressed to the Springfield City Manager, 840 Boonville Ave., Springfield, MO 65802, and to the Watershed Committee of the Ozarks Executive Director, 2400 E. Valley Water Mill Rd., Springfield, MO 65803.
- f. Jurisdiction. This Agreement and every question arising thereunder shall be construed and determined according to the laws of the State of Missouri. Should any part of this Agreement be adjudicated, venue shall be proper only in the Circuit Court of Greene County, Missouri.
- g. Term of the Agreement. The term of this Agreement shall be from _____ to _____. This Agreement may be amended in writing by both parties.
- h. Entire Agreement. This Agreement constitutes the entire and only agreement between the parties relating to the Project. No agreements altering or supplementing the terms hereof may be made except by means of a written document signed by the duly authorized representatives of the parties.

IN WITNESS WHEREOF the parties have executed this Agreement effective as of the _____ day of _____, 20____ by and through their authorized representatives.

CITY OF SPRINGFIELD, MISSOURI

Approved as to Form:

By: _____
Collin Quigley, Deputy City Manager

Assistant City Attorney

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 therefore.

David Holtmann, Director of Finance

WATERSHED COMMITTEE OF THE OZARKS

By: _____
Mike Kromrey, Executive Director

Exhibit 1 – Schedule for Payment

The City will request reimbursement of qualifying expenses from WCO on a quarterly basis and provide reasonable documentation, consisting of cover letter and progress pay estimate with eligible line items identified for reimbursement under this grant obtained by WCO.

It is expected that WCO will receive grant funds from MoDNR on a reimbursement basis. Therefore, it is expected that WCO will submit quarterly reimbursement requests to MoDNR by March 15, June 15, September 15 and December 15 of each calendar year as required by MoDNR. The City will submit reimbursement requests quarterly by March 1, June 1, September 1 or December 1 as may fall within the project timeline. Once WCO receives the grant funds from MoDNR (estimated 6 to 8 weeks from reimbursement request to MoDNR), WCO will forward reimbursement to the City within 10 business days.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
042

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
53300	08	33520	416010	000000	00000	\$40,000	Federal grant revenues from U.S. Environmental Protection Agency (EPA) 319 Nonpoint Source Grant Program through Missouri Department of Natural Resources and the Watershed Committee of the Ozarks
Net Revenue Adjustment						\$40,000	

Expenditures:

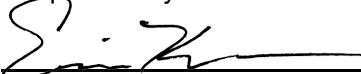
Fund	Dept	Org	Account	P&G	Location	Amount	Description
53300	08	33520	509110	000000	00000	\$40,000	Upper Little Sac River Watershed Green Infrastructure Stormwater Water Quality Projects
Net Expenditure Adjustment						\$40,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating \$40,000 of federal EPA Section 319 grant funds for the Upper Little Sac River watershed Green Infrastructure Stormwater Water Quality projects.

Requested By:

 3-14-2023
Department Head Date

Approved By:

 3-14-2023
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2023-067
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-068 (HARDINGER)

FILED: 03/10/2023

ORIGINATING DEPARTMENT: Economic Vitality

PURPOSE: A resolution confirming the appointment of Amanda Ohlensehlen to the College Station Community Improvement District Board of Directors. (Staff recommends approval.)

BACKGROUND INFORMATION: As required by the petition establishing the College Station Community Improvement District ("CID"), the Mayor shall appoint Directors to the CID Board of Directors with the consent of the City Council. The CID Board of Directors requests the following appointment to the Board:

<u>Seat</u>	<u>Name</u>	<u>Qualification</u>	<u>Term Expires</u>	<u>Notes</u>
2	Amanda Ohlensehlen	Property owner representative	2/21/2026	New appointment

REMARKS: Staff recommends approval.

Submitted By: Matthew Schaefer, Senior City Planner

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

Maurice S. Jones, Deputy City Manager 3/6/2023

Attachments: 1. Resolution confirming appointment of Amanda Ohlensehlen to College Station CID_res

One-rdg. X
P. Hrngs.
Pgs. 3
Filed 03-14-23

Sponsored by Hardinger

COUNCIL BILL 2023-068 RESOLUTION

A RESOLUTION

1 CONFIRMING the appointment of Amanda Ohlensehlen to the College Station
2 Community Improvement District Board of Directors. (Staff
3 recommends approval.)
4 _____
5

6 WHEREAS, the petition establishing the College Station Community
7 Improvement District ("CID"), adopted by passage of Special Ordinance 24924,
8 establishes the qualifications and process for appointing members to the College
9 Station CID Board of Directors ("Board"); and
10

11 WHEREAS, said petition provides that College Station CID Board members are
12 appointed by the Mayor with the advice and consent of City Council; and
13

14 WHEREAS, there is currently a need to appoint one member to the College
15 Station CID Board; and
16

17 WHEREAS, the Mayor desires to appoint Amanda Ohlensehlen to the College
18 Station CID Board; and
19

20 WHEREAS, City Council desires to confirm said appointment made by the
21 Mayor.
22

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

26 Section 1 – The Mayor hereby appoints and City Council hereby confirms the
27 appointment of Amanda Ohlensehlen to the College Station Community Improvement
28 District Board of Directors, with her term to expire on February 21, 2026.
29

30 Section 2 – This Resolution shall be effective immediately upon adoption.
31

32 Passed at meeting: _____
33

Mayor

Attest: _____, City Clerk

Filed as Resolution _____

Approved as to form: Jill Bennis, Assistant City Attorney

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



EXPLANATION TO COUNCIL BILL 2023-069 (HOSMER)

FILED: 03/10/2023

ORIGINATING DEPARTMENT: Economic Vitality

PURPOSE: A resolution confirming the appointment of Amanda Ohlensehlen to the SGF Sports Community Improvement District Board of Directors. (Staff recommends approval.)

BACKGROUND INFORMATION: As required by the petition establishing the SGF Sports Community Improvement District ("CID"), the Mayor shall appoint Directors to the CID Board of Directors with the consent of the City Council. The CID Board of Directors requests the following appointment to the Board.

<u>Seat</u>	<u>Name</u>	<u>Qualification</u>	<u>Term Expires</u>	<u>Notes</u>
1	Amanda Ohlensehlen	Property owner representative	11/15/2025	New appointment to fill unexpired term

REMARKS: Staff recommends approval.

Submitted By: Matthew Schaefer, Senior City Planner

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

Maurice S. Jones, Deputy City Manager 3/6/2023

Attachments: 1. Resolution confirming appointment of Amanda Ohlensehlen to SGF Sports CID_res

One-rdg. X
P. Hrngs.
Pgs. 3
Filed 03-14-23

Sponsored by Hosmer

COUNCIL BILL 2023-069 RESOLUTION

A RESOLUTION

1 CONFIRMING the appointment of Amanda Ohlensehlen to the SGF Sports
2 Community Improvement District Board of Directors. (Staff
3 recommends approval.)
4 _____
5

6 WHEREAS, the petition establishing the SGF Sports Community Improvement
7 District ("CID"), adopted by passage of Special Ordinance 27597, establishes the
8 qualifications and process for appointing members to the SGF Sports CID Board of
9 Directors ("Board"); and
10

11 WHEREAS, said petition provides that SGF Sports CID Board members are
12 appointed by the Mayor with the advice and consent of City Council; and
13

14 WHEREAS, there is currently a need to appoint one member to the SGF Sports
15 CID Board; and
16

17 WHEREAS, the Mayor desires to appoint Amanda Ohlensehlen to the SGF
18 Sports CID Board; and
19

20 WHEREAS, City Council desires to confirm said appointment made by the
21 Mayor.
22

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

26 Section 1 – The Mayor hereby appoints, and City Council hereby confirms, the
27 appointment of Amanda Ohlensehlen to the SGF Sports Community Improvement
28 District Board of Directors, with her term to expire on November 15, 2025.
29

30 Section 2 – This Resolution shall be effective immediately upon adoption.
31

32 Passed at meeting: _____
33
34

35 _____
Mayor

36 Attest: _____, City Clerk

37

38 Filed as Resolution _____

39

40

41 Approved as to form: Jill Bunn, Assistant City Attorney

42

43

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



EXPLANATION TO COUNCIL BILL 2023-058 (HORTON)

FILED: 03/07/2023

ORIGINATING DEPARTMENT: Public Works

PURPOSE: A special ordinance authorizing the City Manager, or his designee, to accept a donation of \$45,000 from the Downtown Community Improvement District of Springfield, Missouri, to provide funds for additional on-street parking and improvements at the southeast corner of the intersection of Boonville and East Chestnut Street; and amending the budget for Fiscal Year 2022-2023 to appropriate the donation funds.

BACKGROUND INFORMATION: Purpose: Authorizing the City Manager, or his designee, to accept a \$45,000 donation from the Downtown Community Improvement District ("CID") to provide funds for additional on-street parking and improvements near the Downtown CID office located at the Southeast Corner of the Intersection of Boonville and East Chestnut Street; and approving a budget adjustment amending the Fiscal Year 2023 budget of the Department of Public Works in the amount of \$45,000 to accept the donation from the Downtown CID.

The City of Springfield Public Works Department is improving sections of Chestnut Street, including new curb and ADA sidewalk rehabilitation between Boonville and Jefferson. As requested by the Downtown CID, on-street parking is being added on Chestnut Street to accommodate parking for the Downtown CID offices. Improvements will also include pedestrian features that will foster quality of place options in the vicinity of the "417 Sign" that is used for photo opportunities. A plan of the proposed improvements is attached as "Exhibit A."

The total project cost is estimated at \$116,000. The Downtown CID board voted on January 11, 2023 to provide \$45,000 to assist with funding the project. The remaining estimated project cost (\$71,000) will be funded from the 1/4-Cent Capital Improvement Sales Tax Center City Program.

Supports the following City Council Priorities:

- Public Safety
- Quality of Place
- Fiscal Sustainability and Accountability

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



Submitted By: Martin Gugel, Assistant Director of Public Works

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

- Attachments:**
1. Downtown CID Donation_ord
 2. Exhibit A Downtown CID Donation
 3. Exhibit B Downtown CID Donation BA

One-rdg. _____
P. Hrngs. _____
Pgs. 7
Filed: 02-28-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023 -058

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept a donation of \$45,000
2 from the Downtown Community Improvement District of Springfield,
3 Missouri, to provide funds for additional on-street parking and
4 improvements at the southeast corner of the intersection of Boonville
5 and East Chestnut Street; and amending the budget for Fiscal Year
6 2022-2023 to appropriate the donation funds.
7 _____
8

9 WHEREAS, the City of Springfield Public Works Department is improving
10 sections of Chestnut Street, including new curb and ADA sidewalk rehabilitation
11 between Boonville and Jefferson; and
12

13 WHEREAS, the Downtown Community Improvement District ("CID") requested
14 additional on-street parking be added on Chestnut Street to accommodate parking for
15 the Downtown CID offices; and
16

17 WHEREAS, improvements will also include pedestrian features in the vicinity of
18 the "417 Sign" that is used for photo opportunities and will promote quality of place; and
19

20 WHEREAS, the Downtown CID board voted on January 11, 2023, to provide
21 \$45,000 to assist with funding the project, the total cost of which is estimated at
22 \$116,000; and
23

24 WHEREAS, the remaining estimated project cost will be funded from the 1/4-
25 Cent Capital Improvement Sales Tax Center City Program; and
26

27 WHEREAS, a budget adjustment is required to appropriate these funds.
28

29 NOW, THEREFORE, BE IT ORDAINED 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 accept
33 the donation of \$45,000 from the Downtown CID, with said funds to be used for

improvements to Chestnut Street, the plans for which are attached hereto and incorporated herein by this reference as "Exhibit A."

Section 2 – The budget of the Department of Public Works for Fiscal Year 2022-2023 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 040, a copy of which is attached hereto and incorporated herein by this reference as "Exhibit B."

Section 3 – City Council greatly appreciates the donation and wishes to express its sincerest thanks to the members of the Downtown CID for their donation.

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

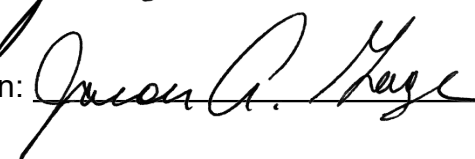
Passed at meeting: _____

Mayor

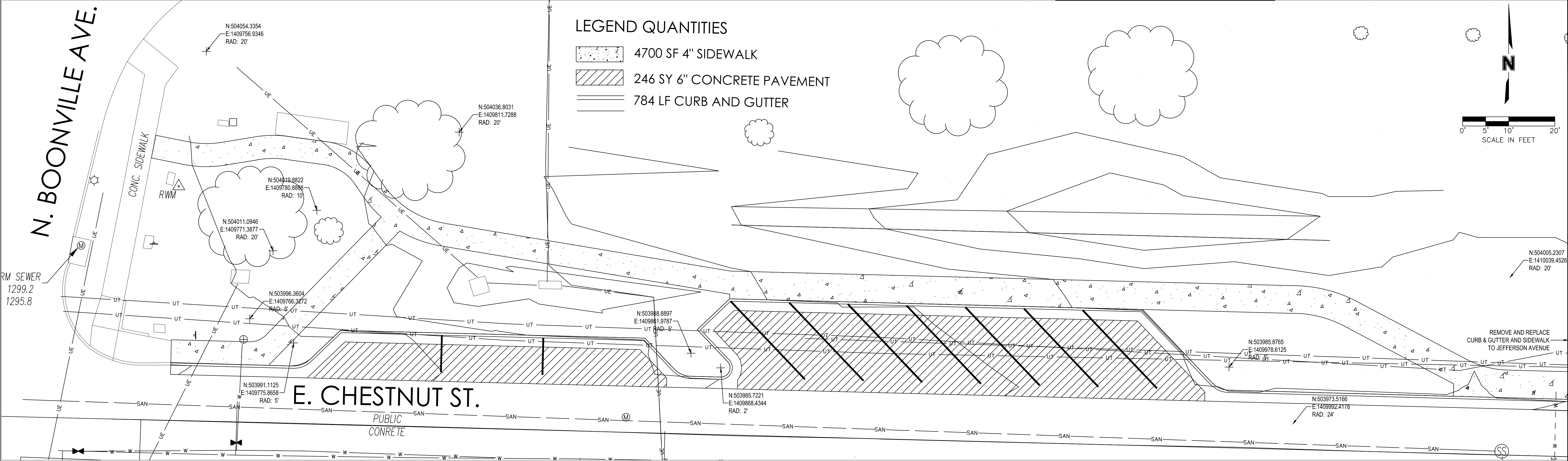
Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

Chestnut Street On-Street Parking Exhibit A

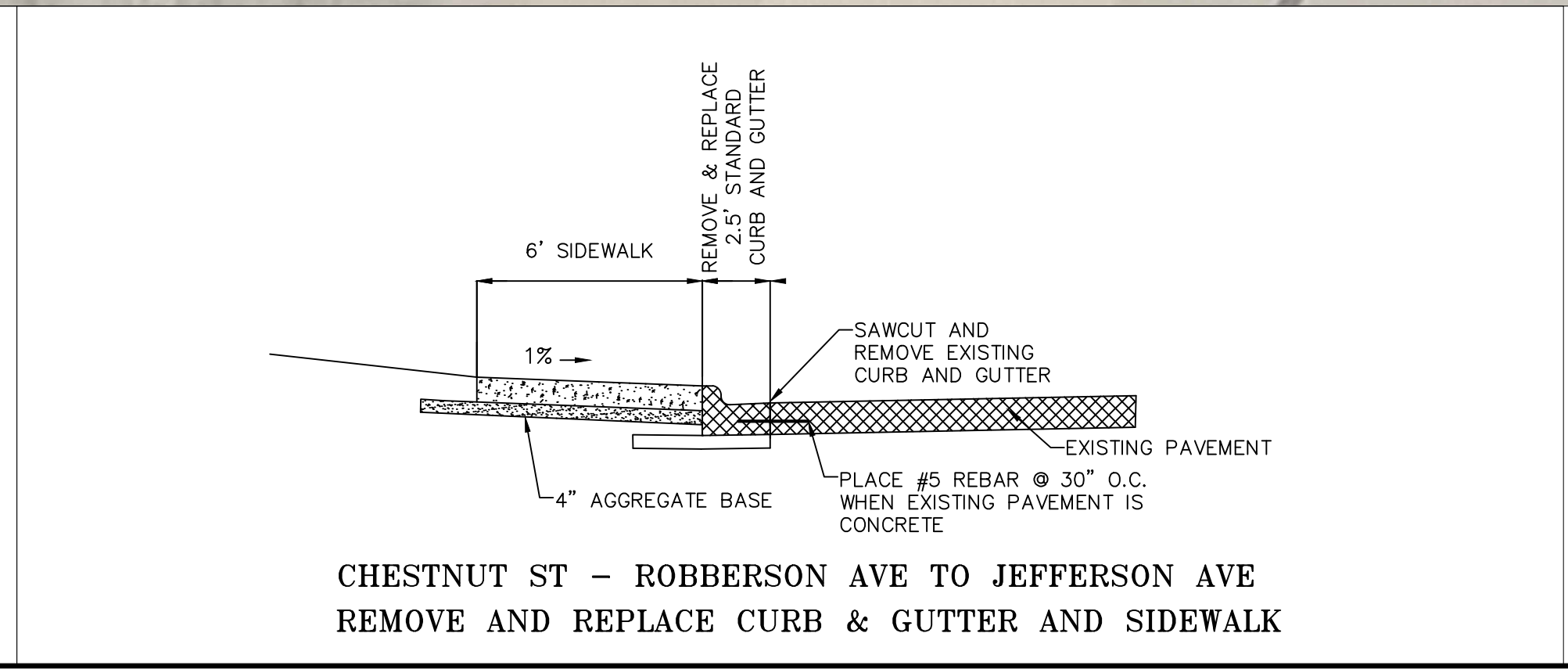
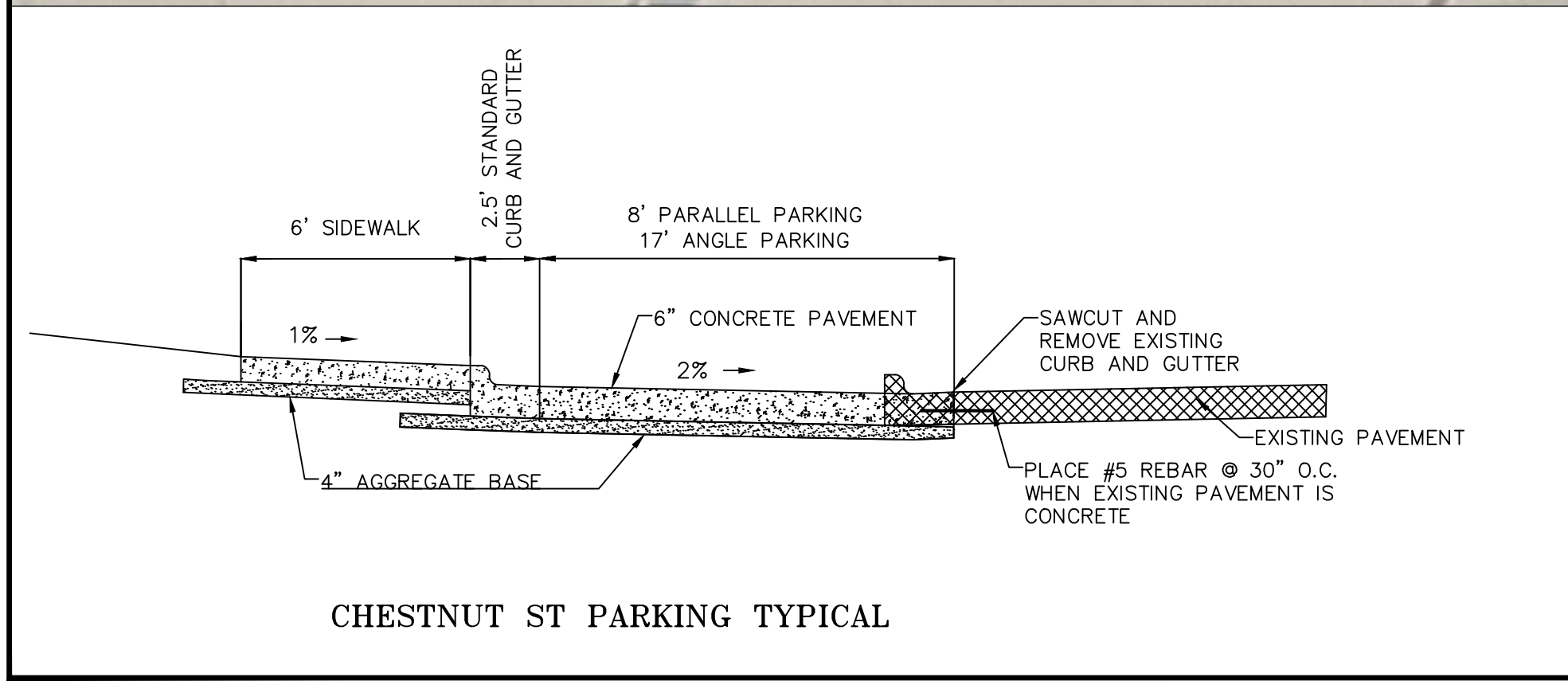
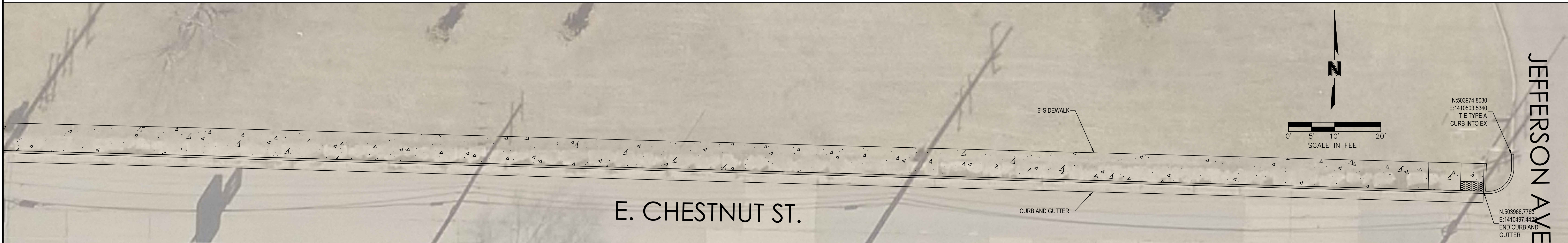
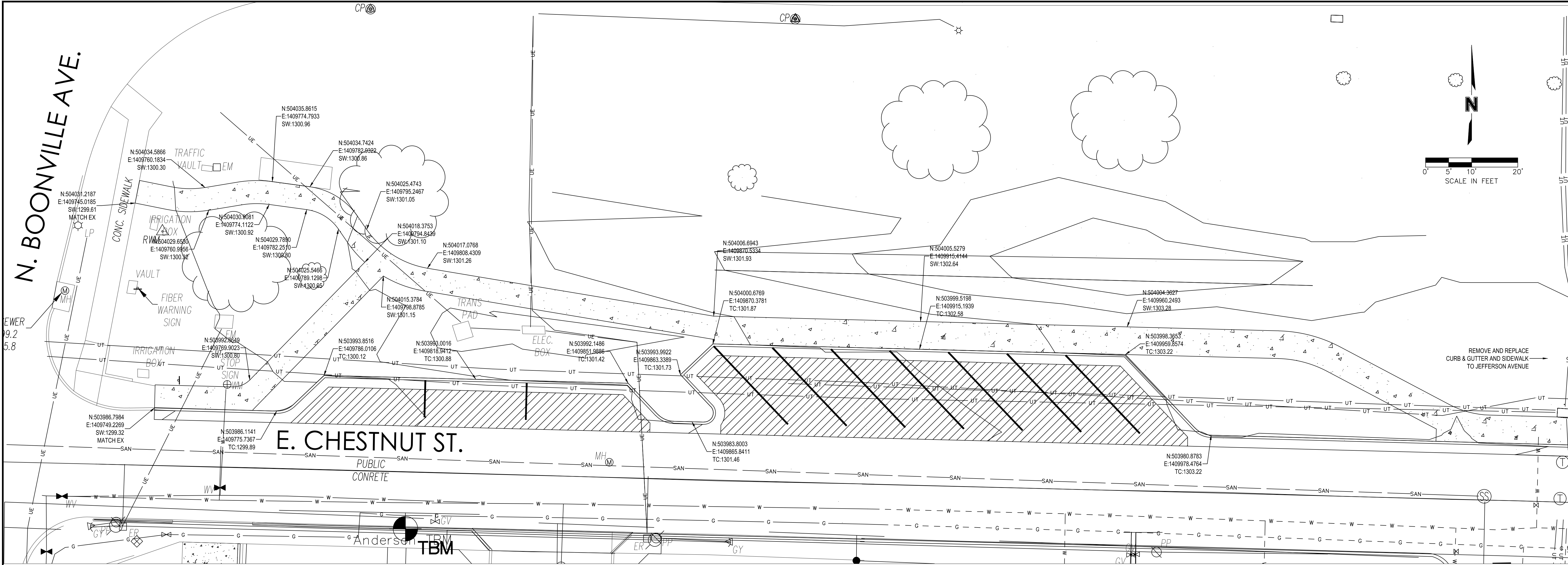


LEGEND REMOVALS

- SIDEWALK
- CONCRETE PAVEMENT
- CURB AND GUTTER

DEPARTMENT OF PUBLIC WORKS
SPRINGFIELD, MISSOURI
Chestnut Street
On-Street Parking
Removals/Quantities

SURVEYED BY:	DESIGN:	SCALES:	SHEET
FIELD BK.:	DRAWN:	HOR:	OF SHEETS
LEVEL BK.:	CHECKED:	VERT:	FILE NO.



DEPARTMENT OF PUBLIC WORKS SPRINGFIELD, MISSOURI			
CHESTNUT STREET ON-STREET PARKING PLAN VIEW			
SURVEYED BY:	DESIGN: TMS	SCALES:	SHEET 2
FIELD BK.:	DRAWN: TMS	HOR: 1:10	OF SHEETS
LEVEL BK.:	CHECKED:	VERT:	FILE NO. 2022PW0032-06

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
040

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46130	20	73020	414070	103184	00000	\$ 45,000	Donation From Downtown Community Improvement District
Net Revenue Adjustment						\$ 45,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46130	20	73020	509110	103184	00000	\$ 45,000	Additional On-Street Parking & Improvements on East Chestnut Street near Boonville
Net Expenditure Adjustment						\$ 45,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating a \$45,000 donation from the Downtown Community Improvement District (CID) to be used towards constructing additional on-street parking and improvements on East Chestnut Street near the Boonville intersection.

Requested By:

Dan Smith 02-28-2023
Department Head Date

Approved By:

D.J. Hill 02-28-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-058
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date