



City of Springfield

Agenda

City Council

Ken McClure, Mayor

Zone Councilmembers

Monica Horton, Zone 1

Abe McGull, Zone 2

Brandon Jenson, Zone 3

Matthew Simpson, Zone 4

General Councilmembers

Heather Hardinger, General A

Craig Hosmer, General B

Callie Carroll, General C

Derek Lee, General D

May 22, 2023

6:30 PM

City Council Chambers

[Rules and procedures.](#)

1. ROLL CALL.

2. APPROVAL OF MINUTES.

- 2.1. Approval of Minutes. May 8, 2023, City Council Meeting and May 15, 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 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 2023-100 (McGull)

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' and amending Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones,' for the purpose of annexing approximately 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 and referenced as Annexation A-3-2023, into the City of Springfield. (Staff recommends approval.) (By: Hickory Village 55 Plus, LLC and Greene County (public ROW); 3710 and 3742 East Cherry Street and 600 block South Hickory Avenue; A-3-2023.)

6.2. Council Bill 2023-101 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.37 acres of property generally located at 3710 and 3742 East Cherry Street from Greene County R-3, Multi-family residence district, and City of Springfield R-SF, Single-family residential district, to R-LD, Low-density multifamily residential district; and adopting an updated Official Zoning Map. (By: Hickory Village 55 Plus, LLC; 3710 & 3742 E. Cherry Street; Z-7-2023.)

6.3. Council Bill 2023-102 (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. (By: NGA Holdings, LLC; 2238, 2250, 2316 East Catalpa Street; Z-3-2023 w/COD No. 223.)

6.4. Council Bill 2023-103 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.20 acres of property generally located at 718 West Division Street from R-SF, Single-family residential district, to R-TH, Residential townhouse district, with Conditional Overlay District No. 227; establishing Conditional Overlay District No. 227; and adopting an updated Official Zoning Map. (By: Teyie Miychelle, LLC; 718 W. Division Street; Z-9-2023 w/COD #227.)

6.5. Council Bill 2023-104 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 9.45 acres of property generally located within the 2200 block of North Belcrest Avenue from HM, Heavy manufacturing district, with Conditional Overlay District No. 163 to HC, Highway commercial district, with Conditional Overlay District No. 226; establishing Conditional Overlay District No. 226; and adopting an updated Official Zoning Map. (By: SFC Real Estate LLC; 2202 N. Belcrest Avenue; Z-5-2023 w/COD #226.)

6.6. Council Bill 2023-105 (Carroll)

A special ordinance amending Special Ordinance 27775 to revise funding appropriated for continuing COVID-19 services; amending the budget for Fiscal Year 2022-2023 to reappropriate \$320,000 of the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, from the Springfield-Greene County Health Department COVID-19 response fund to grant compliance assistance services; and authorizing the City Manager to enter into agreements with FORVIS, LLP, for the purpose of providing grant compliance services and subrecipient monitoring services for certain external entities receiving American Rescue Plan Act funds from or through the City to perform certain projects.

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

7.1. Council Bill 2023-111 (Simpson)

A resolution granting a Short-Term Rental Type 2 permit for the property located at 947 East Sunshine Street for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

7.2. Council Bill 2023-112 (Hardinger)

A resolution authorizing the City Manager, or his designee, to apply for a Youth Homeless Demonstration Program Grant from the Department of Housing and Urban Development, in a minimum amount of \$600,000, for the purpose of developing and implementing a coordinated community plan to end youth homelessness.

7.3. Council Bill 2023-025 (Hosmer). The bill's sponsor requested that the bill be removed from the Plans and Policies Committee and presented to City Council pursuant to City Code Sec. 2-53

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

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

8.1. Council Bill 2023-113 (City Council)

A special ordinance calling an election to be held on August 8, 2023, in the City of Springfield, Missouri, to submit to the qualified voters a question as to whether to impose an additional sales tax of three percent on the retail sales of adult use marijuana; and declaring an emergency.

9. PUBLIC IMPROVEMENTS.

10. GRANTS.

Citizens May Speak. May Be Voted On.

10.1. Council Bill 2023-115 (Carroll)

A special ordinance authorizing the City Manager or his designee to accept pass through State American Rescue Plan Act Water Infrastructure Community Grant Program Funds, in the amount of \$289,037, from the Missouri Department of Natural Resources to support construction of the Jordan Creek Regional Detention Basin B6 Project, to enter into an agreement with Missouri Department of Natural Resources for acceptance and use of those funds, and to exercise any and all powers to obtain such funding and carry out the identified activities; amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$289,037 to appropriate the

Water Infrastructure Community Grant Funds; and declaring this council bill qualifies for approval in one reading.

10.2. Council Bill 2023-116 (Horton)

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Department of Economic Development for the purpose of accepting federal American Rescue Plan Act grant funds to support construction of the Renew Jordan Creek – Main to Boonville Project, and to exercise any and all powers necessary to obtain such funding and carry out the identified activities; amending the budget of the City of Springfield for Fiscal Year 2022-2023 in the amount of \$3,749,711; and declaring that this bill 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 2023-117 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 4.8 acres of property generally located at 2323 West Grand Street from O-1, Office district, to GI, Government and institutional use district; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Lakeland Hospital Acquisition; 2323 West Grand Street; Z-10-2023.)

12.2. Council Bill 2023-118 (Simpson)

A special ordinance approving the final development plan of Planned Development District No. 379, generally located at 1616 East Bradford Parkway and 3811 and 3813 South Weller Avenue. (Planning and Zoning Commission and Staff recommend approval.) (By: EWR Springfield Cambium LLC; 1616 East Bradford Parkway and 3811 South Weller Street; Final Development Plan – Planned Development 379.)

12.3. Council Bill 2023-119 (Hardinger)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 2.6 acres of property generally located at 1739, 1745, and 1755 South National Avenue, 1138 East University Street, and 1111, 1119, 1133, and 1141 East Sunshine Street from R-SF, Single-family residential district, to GR, General retail district, with Conditional Overlay District No. 220; establishing Conditional Overlay District No. 220; and adopting an updated Official Zoning Map. (Staff recommends approval. Planning and Zoning Commission recommends denial.) (By: BK&M, LLC; 1739, 1745, and 1755 S. National Avenue and 1138 E. University Street and 1111, 1119, 1133, and 1141 E. Sunshine Street; Z-27-2023 w/COD No. 220.)

13. FIRST READING BILLS.

Citizens May Speak. Not Anticipated To Be Voted On.

13.1. Council Bill 2023-121 (Hosmer)

A special ordinance setting a preliminary tax levy on real and personal property for current expenses and debt retirement of the City of Springfield, Missouri, and its boards and agencies, for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024; and declaring an emergency.

13.2. Council Bill 2023-120 (Carroll)

A special ordinance adopting a budget for the City of Springfield, Missouri, for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024; providing that certain amounts shown in the budget document are appropriated for the various departments specified in said budget; and declaring an emergency.

13.3. Council Bill 2023-122 (Lee)

A special ordinance amending the General Fund budget for the Fire Department of the City of Springfield, Missouri, for Fiscal Year 2022-2023, in the amount of \$245,000 to appropriate a portion of the General Fund carryover funds to complete a Fire Department facility renovation project previously approved for Fiscal Year 2022-2023.

13.4. Council Bill 2023-123 (Hosmer)

A special ordinance amending the Park Board's Fiscal Year 2022-2023 operating budget by increasing both revenue and expenses in the amount of \$1,900,000 to allocate \$1,300,000 of revenue and associated offsetting expense items from Parks 2001 and 2006 Sales Tax Funds, \$250,000 within the Parks General Fund, \$80,000 in reimbursements from insurance claims, and \$270,000 of revenue and associated expense items within the Golf Fund, respectively.

13.5. Council Bill 2023-124 (Lee)

A special ordinance approving the amended bylaws of the Art Museum Board of the City of Springfield, Missouri.

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

14.1. David Buelow wishes to address City Council.

14.2. David Sanzone wishes to address City Council.

14.3. Clay Holmes wishes to address City Council.

15. NEW BUSINESS.

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

16. UNFINISHED BUSINESS.

17. MISCELLANEOUS.

18. CONSENT AGENDA – FIRST READING BILLS.

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

19.1. Council Bill 2023-125 (Hardinger)

A resolution confirming the appointment of Amanda Ohlensehlen to the Springfield Plaza Community Improvement District Board of Directors. (Staff and the Springfield Plaza Community Improvement District Board of Directors recommend approval.)

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

20.1. Council Bill 2023-106 (McGull)

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 Perimeter Health Subdivision, generally located at 2828 North National 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.

20.2. Council Bill 2023-107 (Hosmer)

A special ordinance amending the budget of the Springfield Fire Department Fiscal Year 2022-2023 in the amount of \$30,000 to appropriate funds from the Fire Training Program Fund for expenses associated with the Fire Department Pre-Apprentice training program.

20.3. Council Bill 2023-108 (Lee)

A special ordinance authorizing the General Manager of City Utilities to enter into an agreement with Bank of America, N.A. to provide depository and related banking services to City Utilities of Springfield, Missouri.

20.4. Council Bill 2023-109 (Hardinger)

A special ordinance authorizing the General Manager of City Utilities to enter into an agreement with Central Bank to provide safekeeping services to City Utilities of Springfield, Missouri.

20.5. Confirm the following appointment to the Airport Board: Monte McNew with term to expire June 1, 2026.

20.6. Confirm the following reappointments to the Airport Board: Jamie Holstein and Dr. Andrea Weber with terms to expire June 1, 2026.

21. END OF CONSENT AGENDA.

22. ADJOURN.



City of Springfield

Minutes

City Council

Ken McClure, Mayor

Zone Councilmembers

Monica Horton, Zone 1
Abe McGull, Zone 2
Brandon Jenson, Zone 3
Matthew Simpson, Zone 4

General Councilmembers

Heather Hardinger, General A
Craig Hosmer, General B
Callie Carroll, General C
Derek Lee, General D

May 8, 2023

6:30 PM

City Council Chambers

1. ROLL CALL.

Present: Brandon Jenson, Monica Horton, Abe McGull, Matthew Simpson, Craig Hosmer, Heather Hardinger, Callie Carroll, Derek Lee, and Ken McClure.
Absent: None.

2. APPROVAL OF MINUTES. (APPROVED AS PRESENTED)

- 2.1. Approval of Minutes. April 17, 2023, City Council Meeting, April 18, 2023, Special City Council Meeting, and April 25, 2023, Special City Council Meeting.

Mayor Pro Tem Simpson moved to approve the minutes of the April 17, 2023, City Council Meeting, April 18, 2023, Special City Council Meeting, and April 25, 2023, Special City Council Meeting. Councilwoman Horton seconded the motion, and it was approved by the following vote: Ayes: Jenson, Horton, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and McClure. Nays: None. Absent: None. Abstain: None.

3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS. (APPROVED AS PRESENTED)

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

The Consent Agenda was approved by the following vote: Ayes: Jenson, Horton, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and McClure. Nays: None. Absent: None. Abstain: None.

4. CEREMONIAL MATTERS.

5. ELECTION OF MAYOR PRO TEMPORE. Councilman Simpson was elected.

Councilwoman Hardinger moved to nominate Matthew Simpson for the position of Mayor Pro Tempore.

Councilman McGull moved for nominations to cease. Councilman Hosmer seconded the motion, and it was approved by the following vote: Ayes: Jenson, Horton, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and McClure. Nays: None. Absent: None. Abstain: None.

Councilman Simpson was elected Mayor Pro Tempore by the following vote: Ayes: Jenson, Horton, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and McClure. Nays: None. Absent: None. Abstain: None.

6. SWEAR IN MAYOR PRO TEMPORE. Councilman Simpson was sworn in.

Anita Cotter, City Clerk, administered the oath of office to Mayor Pro Tempore Elect, Matthew Simpson. Mayor Ken McClure congratulated Mayor Pro Tempore Simpson.

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

Jason Gage noted more than 1,500 tires were collected at the Clean Green Springfield Tire Toss event as part of the City's anti-litter and beautification spring campaign. Mr. Gage further noted residents gathered for a cleanup along Jordan Creek and numerous locations across the city, as more than 1,200 people had registered.

Mr. Gage noted approximately 300 people attended the second public engagement meeting for the Lake Springfield planning process. City and City Utilities staff provided tours of the decommissioned power station for the public. He further noted the City earned an \$800,000 grant from the Economic Development Administration, and a \$200,000 donation from the Hatch Foundation, for this planning effort. The presentations from this meeting and a survey can be found at lakespringfieldplan.com.

Mr. Gage noted the Department of Public Information and Civic Engagement is working with ETC Consulting on a pair of citizen satisfaction and long-term needs surveys that will be administered in the coming weeks. These are both randomized surveys designed to create a representative sample of our community. A third survey will be conducted to allow all residents, and those who work or conduct business in Springfield, to provide their feedback.

Chief Williams provided a Police Chief's Update. Chief Williams noted the department uses the NIBRS System to collect data. The three categories of data collected are Crimes Against Persons, Crimes Against Property, and Crimes Against Society.

Chief Williams noted in Quarter 1, there was an 8.2% reduction in Crimes Against Persons. There was a 24% reduction in Crimes Against Property, with a reduction in auto-related crime. Chief Williams attributed this reduction to the Crime Reduction campaign. Chief Williams noted there was an 11.2% increase in Crimes Against Society, noting an increase can be attributed to more crime reporting. Chief Williams noted the Policing Plan will focus on robbery in Quarter 1 and will increase efforts

against crime that increased last year. Quarter 2 will focus on Sexual Assaults, Quarter 3 will focus on Theft from Vehicles, and Quarter 4 will focus on Domestic Violence. Chief Williams highlighted there was a 33% overall decrease in robbery due to a combination of awareness and enforcement. Chief Williams noted gun violence remains an issue, but there is a downward trend of individuals being injured and an increase in illegal guns seized.

Chief Williams provided an update on Data-Driven Approaches to Crime and Traffic Safety (DDACTS). He noted there has been an increase in traffic stops and a decrease in traffic crashes in these areas. Chief Williams noted officers can use discretion for municipal arrests with the average number of arrests remaining stable.

Chief Williams provided an update for the Mental Health Co-Response Program. He noted there have been 96 calls received so far in 2023, with 49 of those referred to treatment, 23 refusing treatment, and 24 agreeing to follow up. He added 53 of the calls were handled without the Springfield Police Department.

Chief Williams noted there are 54 vacancies for sworn officers, with an academy class starting in June. He added there were 263 applicants for the academy class. Chief Williams noted there was one lateral hire. He further noted there are 10 or fewer vacancies in the Police Service Representatives positions. He added there were 49 applications in one week following a media push.

Councilman Hosmer asked how many vacancies there are for non-sworn staff. Chief Williams responded there are 17 to 18 vacancies.

Councilman Hosmer asked if the traffic stops referenced are probable cause stops. Chief Williams responded affirmatively and noted the policy regarding traffic tickets is still open to giving a warning.

Councilman Hosmer asked if there is a mechanism for enacting a 96-hour hold if mental health treatment is refused. Chief Williams responded they cannot mandate mental health treatment.

Councilman Hosmer asked if the department had enough Flock cameras. Chief Williams responded that the department could always use more of this technology.

Councilwoman Horton asked about property crimes, illegal guns, and homeless protocol. Councilwoman Horton asked if property crimes that include hate symbols are investigated as hate crimes. Chief Williams responded that in Missouri, hate is not a crime but an enhancement to a crime. Chief Williams will provide hate crime numbers for the last five years to City Council.

Councilwoman Horton asked for clarification regarding the best way to reduce the number of illegal guns. Chief Williams responded that this is done through law enforcement.

Councilwoman Horton asked if homeless protocol contact was being tracked. Chief Williams responded the protocol for tracking homeless contacts is also a city issue, and that the protocol works well when enacted and can assist those who want help. Mr. Gage noted the protocol is a means to connect homeless individuals to needed services.

Mayor Pro Tem Simpson asked if the City would continue to recruit nationally. Chief Williams responded a national firm was hired to assist with recruiting efforts.

Councilman McGull asked if the salary structure for Police Officers is competitive. Chief Williams responded that pay has increased over the last two years and negotiations with the union have concluded. He added the salary structure is still lower than it is for Federal officers and the Highway Patrol.

Councilman Jenson thanked Chief Williams for changes to the Neighborhood Watch programs. He asked if the Flock cameras contained any audio sensing equipment. Chief Williams responded that the cameras are license plate readers only.

8. SECOND READING AND FINAL PASSAGE.

Citizens Have Spoken. May Be Voted On.

8.1. Council Bill 2023-091 (Hardinger) **ORDINANCE 27829**

A special ordinance authorizing the City Manager, or his designee, to accept a Reducing Overdose through Community Approaches Mentorship Program grant from the National Association of County and City Health Officials in the amount of \$111,650 for use by the Springfield-Greene County Health Department in support of substance use and overdose prevention strategies and to enter into necessary agreements to carry out the grant; and amending the Fiscal Year 2022-2023 budget in the amount of \$111,650 to appropriate grant funds.

Council Bill 2023-091 (Hardinger) was approved by the following vote: Ayes: Jenson, Horton, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and McClure. Nays: None. Absent: None. Abstain: None.

8.2. Council Bill 2023-092 (Hosmer) **ORDINANCE 27830**

A special ordinance amending the budget for Fiscal Year 2022-2023 for the Department of Environmental Services in the amount of \$4,000,000 to appropriate retained earnings from the Clean Water Fund for the construction of the Pea Ridge Creek Sanitary Sewer Improvements – Pea Ridge North Branch capital improvement project.

Council Bill 2023-092 (Hosmer) was approved by the following vote: Ayes: Jenson, Horton, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and McClure. Nays: None. Absent: None. Abstain: None.

8.3. Council Bill 2023-093 (Hardinger) **ORDINANCE 27831**

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 matching state American Rescue Plan Act grant funds in the amount of \$700,000 to support construction of the Fairgrounds Green Infrastructure Project; and amending the budget for Fiscal Year 2022-2023 for the Department of Environmental Services in the amount of \$1,400,000 to appropriate grant funds and retained earnings from the Clean Water Fund for construction of the Project.

Council Bill 2023-093 (Hardinger) was approved by the following vote: Ayes: Jenson, Horton, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and McClure. Nays: None. Absent: None. Abstain: None.

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

9.1. Council Bill 2023-094 (McGull) **RESOLUTION 10704**

A resolution granting a Short-Term Rental Type 2 permit for the property located at 2842 East Lombard Street for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed was an appeal for a short-term rental type 2. She further noted no signatures were obtained. A protest petition was sent out to applicable neighbors, and none were returned, which denotes approval.

An opportunity was given for citizens to express their views.

Sherrie Loveland spoke in support of the proposed. Ms. Loveland noted she attempted to contact neighbors and was unable to obtain any signatures.

Mayor McClure asked if any of the neighboring houses were rental properties. Ms. Loveland noted there are.

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

Councilman McGull expressed his belief that those who follow the procedure are following the law and have fulfilled their obligation. Councilman McGull confirmed that short-term rentals type 2 are now able to be taxed.

Councilman Hosmer asked how many short-term rentals are in the area. Ms. Istenes responded there are three types of short-term rentals for a total of 266 actively licensed in the city. There are approximately 400 non-licensed short-term rentals. Councilman Hosmer expressed his opinion the laws should be enforced regarding short-term rentals. Councilman Hosmer asked if this was the first proposal that had come to City Council with no signatures. Mr. Gage responded he believed it was.

Mayor Pro Tem Simpson noted the closest short-term rental to the proposed is a few blocks to the east, and there are not many in the area.

Council Bill 2023-094 (McGull) was approved by the following vote: Ayes: Jenson, Horton, McGull, Simpson, Hardinger, Carroll, Lee, and McClure. Nays: Hosmer. Absent: None. Abstain: None.

9.2. Council Bill 2023-095 (Horton) **RESOLUTION 10705**

A resolution granting a Short-Term Rental Type 2 permit for the property located at 2040 North Hoffman Avenue for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed was an appeal for a short-term rental type 2. She further noted three signatures were obtained, for a total of 50% of the needed 55%. A protest petition was sent out to applicable neighbors, and none were returned, which denotes approval.

An opportunity was given for citizens to express their views.

Jeremy Hahn spoke in support of the proposed. He noted he had attempted to contact all of the neighbors. He added some are rental properties, and he was unable to contact the owners.

Councilwoman Horton expressed her belief the area is an interesting one for a short-term rental, and the signatures obtained show there is some interest in the proposed.

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

Council Bill 2023-095 (Horton) was approved by the following vote: Ayes: Jenson, Horton, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and McClure. Nays: None. Absent: None. Abstain: None.

9.3. Council Bill 2023-096 (Simpson) **FAILED**

A resolution granting a Short-Term Rental Type 2 permit for the property located at 1843 South Kimbrough Avenue for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed was an appeal for a short-term rental type 2. She further noted 50% of the needed signatures were obtained. A protest petition was sent out to applicable neighbors, and two were returned.

An opportunity was given for citizens to express their views.

Amy Bingham spoke in support of the proposed. Ms. Bingham noted her company uses a verification service for applicants, uses noise detectors, has weekly lawn service, and does not allow pets.

Pat Gibson spoke in opposition to the proposed. Ms. Gibson noted her property shares the backyard with the proposed. She further noted her tenant would like to stay long-term and is concerned a short-term rental would not be beneficial to the neighborhood.

Councilman McGull thanked Ms. Gibson for taking time to voice her opinion on the issue.

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

Mayor Pro Tem Simpson confirmed there were two protest petitions received for the proposed. Ms. Istenes responded affirmatively.

Council Bill 2023-096 (Simpson) failed by the following vote: Ayes: Hardinger, Carroll, and Lee. Nays: Jenson, Horton, McGull, Simpson, Hosmer, and McClure. Absent: None. Abstain: None.

9.4. Council Bill 2023-097 (Jenson) **RESOLUTION 10706**

A resolution granting a new liquor license to sell retail liquor in the original package, including Sunday sales, to Bains & Sons LLC, d/b/a University Convenience Store, for its location at 601 South Kimbrough Avenue, Springfield, Missouri.

David Holtmann, Director of Finance, provided a brief overview of the proposed. Mr. Holtmann noted the proposed would grant a new liquor license to Bains & Sons, LLC. The issue is being brought before City Council because it is within 200 feet of property owned by Missouri State University, and the City Code states City Council must consent if the liquor sales occur within

200 feet of a church, school, or part of building used as a place of worship.

Councilwoman Carroll asked if the proposed location was previously a liquor store. Mr. Holtmann responded the property was previously a smoke shop and is next to an area that has a liquor store.

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

Council Bill 2023-097 (Jenson) was approved by the following vote: Ayes: Jenson, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and McClure. Nays: Horton. Absent: None. Abstain: None.

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

10.1. Council Bill 2023-098 (Referendum Petition) **ORDINANCE 27832**

A special ordinance repealing Special Ordinance 27804, passed by City Council on February 21, 2023, said ordinance being entitled, "Declaring the necessity of acquiring by condemnation the real property herein described for the purpose of constructing and maintaining storm water and bridge infrastructure in the Renewal of Jordan Creek Improvements Phase 1 Project and the Main Avenue Bridge Replacement Project; and authorizing designated officers, or their designees, to do all things necessary to carry out the terms of this Ordinance"; and declaring an emergency.

Rhonda Lewsader, City Attorney, provided a brief overview of the proposed. Ms. Lewsader noted Special Ordinance 27804 authorized condemnation of property at North Main Street and was passed by City Council on February 21, 2023. A referendum petition was received and certified as valid. Ms. Lewsader further noted City Council must choose to either repeal the ordinance or hold an election.

Councilman Hosmer asked if negotiations with the owner can continue if the ordinance is repealed. Ms. Lewsader responded affirmatively.

An opportunity was given for citizens to express their views.

Danny Henderson spoke in opposition to the proposed. Mr. Henderson expressed his belief the name of the Hotel of Terror should be changed to make the name more peaceful.

Robert Cook spoke in support of the proposed. Mr. Cook asked City Council to repeal the ordinance and expressed his belief that sending the item to a vote is a waste of taxpayers' money. He expressed his belief the City should work with the Mathis family to negotiate a solution. He noted the community involvement of the Mathis family.

Sterling Mathis, the owner of the Hotel of Terror, spoke in support of the proposed. Mr. Mathis noted the cost to rebuild or move the property will cost far more than he has been offered. He further noted the dollar amount for renovations and attorney fees that he has spent over the years to satisfy the City requirements. Mr. Mathis added there were road closures near his business during his peak business season. Mr. Mathis expressed his belief the negotiations had failed because the money offered to him was not sufficient to move his business. Mr. Mathis noted last year approximately 15,000 people came through the Hotel of Terror. Mr. Mathis expressed his willingness to continue to negotiate. He asked City Council to repeal the ordinance.

Councilman McGull asked if the pictures were of the bridge by the Hotel of Terror. Mr. Mathis responded that the pictures are other bridges that are in disrepair. Councilman McGull asked if the reason Mr. Mathis has not agreed to negotiations because the price offered is not enough to move his business. Mr. Mathis responded he does have another location but would need to be sufficiently compensated. Councilman McGull asked if Mr. Mathis is willing to continue to negotiate with the City. Mr. Mathis responded affirmatively.

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

Mayor Pro Tem Simpson asked if the City is still actively involved in negotiations with Mr. Mathis. Mr. Gage responded affirmatively. He added the negotiations are in two parts. The first being the price for the property, and the second for relocation expenses. Mayor Pro Tem Simpson expressed his support for repealing the proposed to allow more time for negotiations to continue. He noted the safety and flooding issues due to the bridge create a need for the negotiations to work.

Jason Gage, City Manager, noted the bridge and the Jordan Creek projects create a risk to the building and a redesign of the Jordan Creek project would be expensive.

Councilwoman Horton asked how the timeline is affected by repeal versus sending the issue to a vote. Mr. Gage responded that the timeframe is dependent on several issues.

Councilman Jenson expressed his support for the repeal of the ordinance. He asked for the monthly cost due to the delay in the project. Mr. Gage responded that would be dependent on inflation. Councilman Jenson asked that if the ordinance is repealed, that negotiations would be expedited. He also asked the City to be mindful of businesses that are seasonal when preparing for road closures.

Councilman Lee asked for clarification on the timeframe for the safety of the bridge and who does the bridge inspections. Dan Smith, Director of Public Works, responded the bridge was deemed safe for its intended use at this time, and the next inspection would be in two years by the Missouri Department of Transportation (MoDOT). Councilman Lee asked if grant funds with time requirements could be spent on other projects. Mr. Smith responded the American Rescue Plan Act (ARPA) funds need to be obligated by 2024, and noted the City still feels it can meet that deadline. He noted he would confirm if reallocation of funds would be an option. Councilman Lee expressed his support for the repeal.

Councilman Hosmer asked how long the City could allow negotiations to continue before the City can seek condemnation again. Ms. Lewsader responded there is no time restriction. Councilman Hosmer expressed his support for the repeal.

Mayor McClure thanked Mr. Mathis for his appearance. Mayor McClure expressed he has safety concerns regarding the bridge and stormwater issues, and that the property will need to be acquired. Mayor McClure expressed his belief the Hotel of Terror serves a real and valuable purpose.

Council Bill 2023-098 (Referendum Petition) was approved by the following vote: Ayes: Jenson, Horton, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and McClure. Nays: None. Absent: None. Abstain: None.

10.2. Council Bill 2023-099 (Referendum Petition) **NOT CONSIDERED DUE TO PASSAGE OF COUNCIL BILL 2023-098**

A special ordinance calling an election on August 8, 2023, in the City of Springfield, Missouri, to submit to the qualified voters a question as to whether or not to approve Special Ordinance 27804, passed by City Council on February 21, 2023, said ordinance being entitled, "Declaring the necessity of acquiring by condemnation the real property herein described for the purpose of constructing and maintaining storm water and bridge infrastructure in the Renewal of Jordan Creek Improvements Phase 1 Project and the Main Avenue Bridge Replacement Project; and authorizing designated officers, or their designees, to do all things necessary to carry out the terms of this Ordinance"; and declaring an emergency.

Council Bill 2023-099 (Referendum Petition) was not considered due to the passage of Council Bill 2023-098.

11. PUBLIC IMPROVEMENTS.

12. GRANTS.

13. AMENDED BILLS.

14. COUNCIL BILLS FOR PUBLIC HEARING. - It is anticipated that City Council will vote on these bills at the May 22, 2023, City Council Meeting.

Citizens May Speak. Not Anticipated To Be Voted On.

Council Bill 2023-100 and 2023-101 were read and presented together.

14.1. Council Bill 2023-100 (McGull)

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' and amending Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones,' for the purpose of annexing approximately 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 and referenced as Annexation A-3-2023, into the City of Springfield. (Staff recommends approval.) (By: Hickory Village 55 Plus, LLC and Greene County (public ROW); 3710 and 3742 East Cherry Street and 600 block South Hickory Avenue; A-3-2023.)

14.2. Council Bill 2023-101 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.37 acres of property generally located at 3710 and 3742 East Cherry Street from Greene County R-3, multi-family residence district, and City of Springfield R-SF, Single-family residential district, to R-LD, Low-density multifamily residential district; and adopting an updated Official Zoning Map. (By: Hickory Village 55 Plus, LLC; 3710 & 3742 E. Cherry Street; Z-7-2023.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow annexation and rezoning of approximately 1 acre of private property located at 3710 and 3742 East Cherry Street, and

0.1 acre of Greene County right-of-way generally located at 600 South Hickory. The property would be rezoned from multi-family residence district and Single-family residential district to Low-density multifamily residential district.

An opportunity was given for citizens to express their views.

Nathan Adams spoke in support of the proposed. Mr. Adams, a representative of the applicant, noted the owner wants to annex the location and rezone to combine the property with another development.

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

14.3. Council Bill 2023-102 (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. (By: NGA Holdings, LLC; 2238, 2250, 2316 East Catalpa Street; Z-3-2023 w/COD No. 223.)

Councilman Lee recused himself from Council Bill 2023-102.

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would rezone approximately 14.8 acres of property located at 2238, 2250, and 2316 East Catalpa from Residential Townhouse District to Low-density Multifamily Residential District, with Conditional Overlay District No. 223.

An opportunity was given for citizens to express their views.

Nathan Adams spoke in support of the proposed. Mr. Adams, a representative for the applicant, noted the development is in an area with industrial property and will serve as a transition between the industrial areas and the neighborhoods. He noted there are drainage issues which will be addressed, a traffic study was completed, and a multi-family development will be completed.

Leslie Vandenberg spoke in opposition to the proposed. Ms. Vandenberg, a representative of the Enchanted Woodlands neighborhood, noted they are not in opposition to growth and development, but are in opposition to this development without a solid plan to address flooding and traffic issues. Ms. Vandenberg expressed her belief flooding and sagging electrical lines need to be addressed along Catalpa Street.

Councilman McGull asked if there are sidewalks on either side of the street. Ms. Vandenberg responded there is a sidewalk on one side that stops before reaching Barnes Street.

Sherry Lincoln spoke in opposition to the proposed. Ms. Lincoln noted there were neighbors in support of Ms. Vandenberg and herself addressing City Council. Ms. Lincoln expressed her belief the property is fragile and has flooding issues. Ms. Lincoln asked that the development be done in phases to ensure the improvements are working.

With no further appearances, the public hearing was declared closed. Councilman Lee returned to the dais.

14.4. Council Bill 2023-103 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.20 acres of property generally located at 718 West Division Street from R-SF, Single-family residential district, to R-TH, Residential townhouse district, with Conditional Overlay District No. 227; establishing Conditional Overlay District No. 227; and adopting an updated Official Zoning Map. (By: Teyie Miychelle, LLC; 718 W. Division Street; Z-9-2023 w/COD #227.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would rezone approximately 0.2 acres at 718 West Division from Single-family residential district to Residential townhouse district, with Conditional Overlay District No. 227. The applicant intends to construct a duplex on the property and will be required to meet the City's Affordable Housing guidelines. The applicant will improve the pedestrian access along the frontage and vehicular access will be to the rear of the property.

Councilwoman Horton asked what the requirement is for the City's Affordable Housing Guidelines. Ms. Istenes responded the visual quality of the types of materials used must add to the appearance. Staff and the applicant have agreed to adhere to these guidelines.

Councilman Jenson asked who is responsible for maintaining the alleyway and expressed his belief the City should have some responsibility in maintaining access to the alleyway. Dan Smith, Director of Public Works, responded that this information will be provided before the next meeting.

An opportunity was given for citizens to express their views.

John Watson, the applicant, was available for questions. Councilman Jenson expressed his belief it is beneficial to the City that the applicant intends to improve the property.

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

14.5. Council Bill 2023-104 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 9.45 acres of property generally located within the 2200 block of North Belcrest Avenue from HM, Heavy manufacturing district, with Conditional Overlay District No. 163 to HC, Highway commercial district, with Conditional Overlay District No. 226; establishing Conditional Overlay District No. 226; and adopting an updated Official Zoning Map. (By: SFC Real Estate LLC; 2202 N. Belcrest Avenue; Z-5-2023 w/COD #226.)

Councilman Lee recused himself from Council Bill 2023-104.

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would rezone approximately 9.45 acres of property located within the 2200 block of North Belcrest Avenue from Heavy manufacturing district, with Conditional Overlay District No. 163, to Highway commercial district, with Conditional Overlay District No. 226. Retail services are acceptable as supportive. She further noted access will be limited to North Belcrest Avenue.

An opportunity was given for citizens to express their views.

Ricky Haase, a representative of the developer, spoke in support of the proposed. Mr. Haase noted a neighborhood meeting was held with one in attendance. He further noted a traffic study was also conducted.

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

Councilman Lee returned to the dais.

15. FIRST READING BILLS. It is anticipated that City Council will vote on this bill at the May 22, 2023, City Council Meeting.

Citizens May Speak. Not Anticipated To Be Voted On.

15.1. Council Bill 2023-105 (Carroll)

A special ordinance amending Special Ordinance 27775 to revise funding appropriated for continuing COVID-19 services; amending the budget for Fiscal Year 2022-2023 to reappropriate \$320,000 of the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, from the Springfield-Greene County Health Department COVID-19 response fund to grant compliance assistance services; and authorizing the City Manager to enter into agreements with FORVIS, LLP, for the purpose of providing grant compliance services and subrecipient monitoring services for certain external entities receiving American Rescue Plan Act funds from or through the City to perform certain projects.

David Holtmann, Director of Finance, provided a brief overview of the proposed. Mr. Holtmann noted the proposed would allow \$320,000 of the funds appropriated for continuing COVID-19 services to be reallocated to enter into agreements with FORVIS, LLP, for the purpose of providing grant compliance services and subrecipient monitoring services.

Councilman Jenson asked for clarification of the total amount reallocated. Mr. Holtmann responded the proposed is for reallocation of \$320,000 and noted FORVIS, LLP, has expertise in this area.

Mayor Pro Tem Simpson noted the \$2.7 million is the grand total and not only for administrative expenses.

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

16. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

16.1. Brian Paschall wishes to address City Council. **APPEARED.**

Brian Paschall addressed City Council. Mr. Paschall expressed his belief that homelessness is an issue in the City. Mr. Paschall asked if the city could do anything to move individuals from encampments to a more productive environment. He expressed his belief the encampments are a safety concern.

Mayor McClure thanked Mr. Paschall for speaking.

16.2. Jeremy Dean wishes to address City Council. **APPEARED.**

Jeremy Dean addressed City Council. Mr. Dean noted his purpose in speaking was to advocate for the LGBTQ community. He expressed his belief this community has long faced discrimination. Mr. Dean asked City Council to make a public statement in support of the LGBTQ community. He noted this statement would send the message that the City is an inclusive place.

16.3. John Stinson wishes to address City Council. **APPEARED.**

Mr. Stinson addressed City Council. Mr. Stinson asked City Council to support the proposed administrative delay for Z-27-23 and requested that positions for the Plans and Policies Committee be filled prior to any decision being made for Z-27-23. Mr. Stinson asked City Council to vote no on the issue.

16.4. Donna Hemann wishes to address City Council. **APPEARED.**

Ms. Hemann addressed City Council. Ms. Hemann, President of the University Heights Neighborhood Association, welcomed the new Councilmembers. She asked that City Council honor the whole Comprehensive Plan. Ms. Hemann brought forth suggestions to modify zoning applications and processes, to continue working with neighborhood leaders, to continue to accept input, which is alignment with the Comprehensive Plan, and to strengthen trust. Ms. Hemann expressed her belief there could be an option to use the property as a park. She expressed her belief that the Mayor's intent would be to recuse himself from Z-27-23.

Mayor McClure noted that he obtained a legal opinion that he is not required by State Law or City Code to recuse himself from the Sunshine and National issue.

17. NEW BUSINESS.

17.1. The City Manager recommends the following appointment to the Airport Board: Monte McNew with term to expire June 1, 2026. **RECOMMENDED.**

17.2. The City Manager recommends the following reappointments to the Airport Board: Jamie Holstein and Dr. Andrea Weber with terms to expire June 1, 2026. **RECOMMENDED.**

18. UNFINISHED BUSINESS.

19. MISCELLANEOUS.

20. CONSENT AGENDA – FIRST READING BILLS. See Item #3. It is anticipated that City Council will vote on these bills at the May 22, 2023, City Council Meeting.

20.1. Council Bill 2023-106 (McGull)

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 Perimeter Health Subdivision, generally located at 2828 North National 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.

20.2. Council Bill 2023-107 (Hosmer)

A special ordinance amending the budget of the Springfield Fire Department Fiscal Year 2022-2023 in the amount of \$30,000 to appropriate funds from the Fire Training Program Fund for expenses associated with the Fire Department Pre-Apprentice training program.

20.3. Council Bill 2023-108 (Lee)

A special ordinance authorizing the General Manager of City Utilities to enter into an agreement with Bank of America, N.A. to provide depository and related banking services to City Utilities of Springfield, Missouri.

20.4. Council Bill 2023-109 (Hardinger)

A special ordinance authorizing the General Manager of City Utilities to enter into an agreement with Central Bank to provide safekeeping services to City Utilities of Springfield, Missouri.

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

21.1. Council Bill 2023-110 (Hosmer) **ORDINANCE 27833**

A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Block Grant Program Agreement with the Missouri Highways and Transportation Commission for the purpose of appropriating federal funds to partially reimburse the base salaries of up to seven City employees who work at the Transportation Management Center; and declaring that this council bill qualifies for approval in one reading.

Council Bill 2023-110 (Hosmer) was approved by the following vote: Ayes: Jenson, Horton, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and McClure. Nays: None. Absent: None. Abstain: None.

22. CONSENT AGENDA – SECOND READING BILLS.

23. END OF CONSENT AGENDA.

24. ADJOURN.

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

May 15, 2023
Springfield, Missouri

The City Council met in special session on May 15, 2023, in the Councilman Denny Wayne Conference Room on the 4th Floor of the Busch Municipal Building. The meeting was called to order by Mayor Ken McClure.

Roll Call

Present: Brandon Jenson, Abe McGull, Matthew Simpson, Craig Hosmer, Heather Hardinger, Callie Carroll, Derek Lee, and Ken McClure. Absent: Monica Horton.

Closed Session

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

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

Prepared by
Michelle Brown

Anita J. Cotter, CMC/MRCC
City Clerk



EXPLANATION TO COUNCIL BILL 2023-100 (MCGULL)

FILED: 05/10/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' and amending Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones,' for the purpose of annexing approximately 1 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 and referenced as Annexation A-3-2023, into the City of Springfield. (Staff recommends approval.) (By: Hickory Village 55 Plus, LLC and Greene County (public ROW); 3710 and 3742 East Cherry Street and 600 block South Hickory Avenue; A-3-2023.)

PURPOSE: To adopt an ordinance 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 into the City of Springfield as Annexation A-3-2023. (Staff recommends approval.)

BACKGROUND INFORMATION: The owner(s) of the private property generally located at 3710 and 3742 E. Cherry Street are requesting annexation into the City of Springfield. The owner(s) of the private property have signed a petition to request annexation of approximately one acre into the City of Springfield. The private property is within the City of Springfield's Urban Service Area and is immediately adjacent to the City of Springfield. The proposed annexation includes approximately 0.1 acre of public right-of-way of Hickory Avenue. The Greene County Highway Department has provided a voluntary annexation petition and supports the request. The property is within the City of Springfield's Urban Service Boundary and is contiguous and compact to the City of Springfield. The owner is proposing to annex and rezone for a new multi-family residential development. City Council is required to hold a public hearing to determine whether the annexation is reasonable and necessary for the proper development of the City and whether the City has the ability to furnish normal city services within a reasonable period of time. If no written objection is filed within fourteen (14) days of the public hearing, the City may annex the property by ordinance without further action.

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

RECOMMENDATIONS:

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



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

The Forward SGF Comprehensive Plan supports this annexation request.

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

All City services can be provided to the properties.

The City will receive property tax revenue upon annexation of the private property. Staff recommends the annexation of these properties.

Submitted By: Daniel Neal, Senior City Planner

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

Attachments:

1. A-3-2023 - 3710 E. Cherry Street_ord
2. A-3-2023_exhA
3. A-3-2023_exhB

One-rdg. _____
P. Hrngs. X
Pgs. 16
Filed: 04-11-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-100

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Section 1-9 of the Springfield City Code, 'City Limits,' and amending
2 Section 46-1 of the Springfield City Code, 'Boundaries of wards,
3 precincts and council zones,' for the purpose of annexing approximately
4 1 acre of private property generally located at 3710 and 3742 East
5 Cherry Street and approximately 0.1 acre of Greene County right-of-
6 way generally located at the 600 block of South Hickory Avenue and
7 referenced as Annexation A-3-2023, into the City of Springfield. (Staff
8 recommends approval.)
9 _____
10

11 WHEREAS, a verified petition requesting annexation was filed by the owners of
12 all fee interest of record in all tracts of real property located within the area proposed to
13 be annexed, as described in "Exhibit A," said area being generally located at 3710 and
14 3742 East Cherry Street; and
15

16 WHEREAS, Greene County has executed a written petition for the City to annex
17 approximately 0.1 acre of Greene County right-of-way, as described in "Exhibit A," said
18 area being generally located at the 600 block of South Hickory Avenue; and
19

20 WHEREAS, said petitions were presented to City Council more than fourteen,
21 but less than sixty days, prior to the public hearing thereon; and
22

23 WHEREAS, proper notice was published at least seven days prior to the public
24 hearing; and
25

26 WHEREAS, City Council does find and determine that: (1) said annexation is
27 reasonable and necessary to the proper development of the City; (2) the City is able to
28 furnish normal municipal services to the area annexed herein within a reasonable time
29 after annexation; and (3) the area annexed herein is contiguous and compact to the
30 existing corporate boundaries of the City.
31

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

35 Section 1 – City Council, after holding a public hearing, hereby determines that
36 annexation of the property described in "Exhibit A," which is attached hereto and
37 incorporated herein by this reference, is reasonable and necessary to the proper
38 development of the City, the City has the ability to furnish normal municipal services to
39 the area annexed within a reasonable time, and the area is contiguous and compact to
40 the existing boundaries of the City as shown in "Exhibit B," which is attached hereto and
41 incorporated herein by this reference.

42
43 Section 2 – Pursuant to the provisions of Section 71.012 RSMo., the property
44 described in "Exhibit A," is hereby annexed into the City of Springfield, Missouri.

45
46 Section 3 – Section 1-9 of the Springfield City Code, 'City Limits,' is hereby
47 amended by adding thereto the land described in "Exhibit A."

48
49 Section 4 – Section 46-1 of the Springfield City Code, 'Boundaries of wards,
50 precincts and council zones,' is hereby amended by placing the property described in
51 "Exhibit A" into the appropriate ward and precinct as determined by the County Clerk in
52 accordance with the provisions of State law.

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

61
62 Section 6 – This Ordinance shall be in full force and effect from and after
63 passage.

64
65 Passed at meeting: _____

66
67
68 _____
69 Mayor

70 Attest: _____, City Clerk

71
72
73 Filed as Ordinance: _____

74
75
76 Approved as to form: Jill Bennis, Assistant City Attorney

77
78
79 Approved for Council action: Jason A. Hays, City Manager

EXHIBIT A

LEGAL DESCRIPTION
ANNEXATION A-3-2023

ALL THE NORTH 77.50 FEET OF HICKORY AVENUE, ALL IN HICKORY VILLAGE, A SUBDIVISION IN GREENE COUNTY, MISSOURI, EXCEPT ANY PART PREVIOUSLY ANNEXED BY THE CITY OF SPRINGFIELD. THE NORTH LINE OF SAID HICKORY AVENUE BEING THE SAME AS THE SOUTH RIGHT-OF-WAY OF CHERRY STREET.

ALL THE NORTH 77.50 FEET OF LOT 9, ALL IN HICKORY VILLAGE, A SUBDIVISION GREENE COUNTY, MISSOURI, EXCEPT ANY PART PREVIOUSLY ANNEXED BY THE CITY OF SPRINGFIELD. THE NORTH LINE OF SAID LOTS BEING THE SAME AS THE SOUTH RIGHT-OF-WAY OF CHERRY STREET.

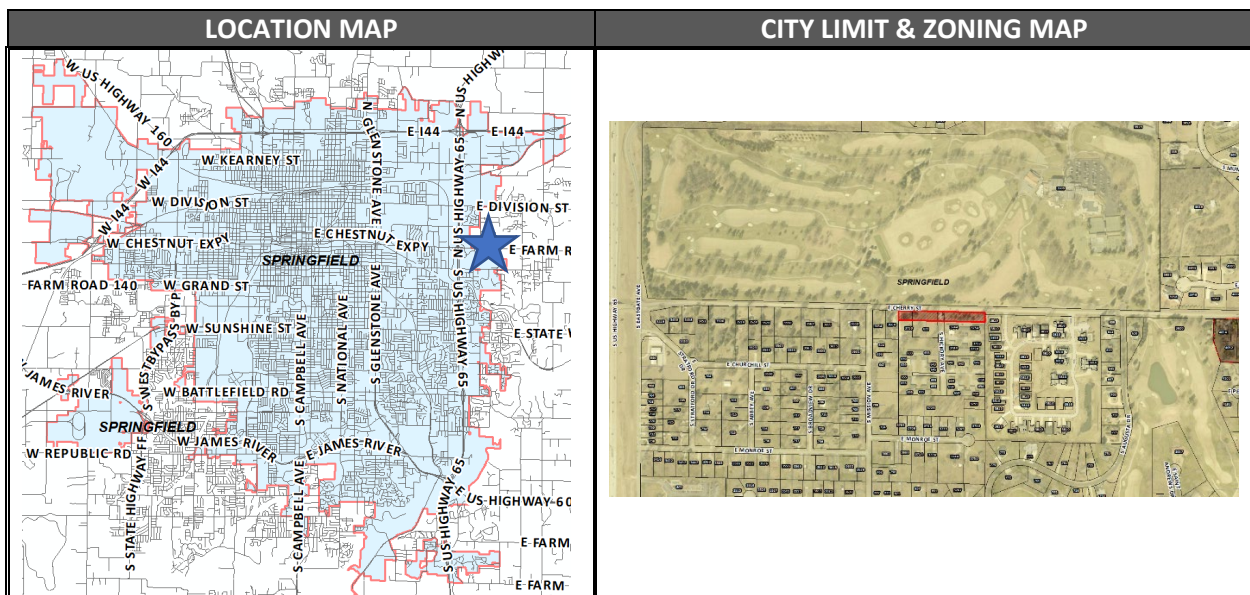
ALL THE NORTH 75.00 FEET OF LOTS 2 AND 3, ALL IN HICKORY VILLAGE, A SUBDIVISION GREENE COUNTY, MISSOURI EXCEPT ANY PART PREVIOUSLY ANNEXED BY THE CITY OF SPRINGFIELD, THE NORTH LINE OF SAID LOTS BEING THE SAME AS THE SOUTH RIGHT-OF-WAY OF CHERRY STREET.

ALL THE NORTH 75.00 FEET OF LOT 1 IN HICKORY VILLAGE, A SUBDIVISION GREENE COUNTY, MISSOURI, EXCEPT ANY PART PREVIOUSLY ANNEXED BY THE CITY OF SPRINGFIELD. THE NORTH LINE OF SAID LOTS BEING THE SAME AS THE SOUTH RIGHT-OF-WAY OF CHERRY ST.

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	A-3-2023
Location:	3710 and 3742 East Cherry Street and 600 block South Hickory Avenue
Total Acres:	1.1 acres
Applicant:	Hickory Village 55 Plus, LLC and Greene County (public ROW)
Existing Land Use:	Vacant/undeveloped
City Council:	April 17, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Daniel Neal
Staff recommendation:	Staff recommends approval
PROJECT SUMMARY:	

Request 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 600 block South Hickory Avenue into the City of Springfield.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



Area to be annexed east of S.
Hickory Avenue, as viewed from E.
Cherry Street

DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject properties are currently outside the city limits in unincorporated Greene County. The subject properties are zoned Greene County R-3, Multi-Family Residence District and Hickory Avenue (public right-of-way) is unzoned. The annexation is being processed concurrently with rezonings of the private property and will have a public hearing at the same City Council meeting.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Forward SGF Comprehensive Plan* recommends the following strategies that will help to further guide the prioritization of annexations:

The City should evaluate annexation proposals on a property-by-property or case-by-case basis but work to coordinate annexation of multiple properties simultaneously, when possible, to maximize the time and cost efficiency involved in processing.

The City should be conscious of impractical boundary configurations created when annexing properties on only one side of a street, skipping over properties, or creating islands of unincorporated properties.

The City should engage with area Fire Protection Districts in evaluation of potential impact resulting from annexation of property by the City.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:



PLACETYPES	LAND USES														
	Single-Family Detached	Single-Family Attached	Multi-family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office, Hospitality, Retail Sales & Service	Neighborhood Commercial	Maker, Arts & Innovation Spaces	Public & Private Schools & Places of Worship	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehouse & Distribution Facilities
Residential Neighborhood	●	○	◇	○	◇	◇	○	○	○	○	○	○	○	○	○
Mixed Residential	●	●	○	○	◇	◇	○	○	○	○	○	○	○	○	○
Downtown	○	○	●	●	●	●	●	●	●	●	●	●	●	●	●
Mixed-Use	○	○	●	●	●	●	●	●	●	●	●	●	●	●	●
City Corridor	○	○	●	●	●	●	●	●	●	●	●	●	●	●	●
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

- **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype
- **Supporting Land Use:**
Less prevalent and serve to support the primary land use.
- ◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-LD	Planned Development No. 308	R-SF
LAND USE	Outdoor recreation	Multifamily dwellings	Single-family homes	Single-family homes
PLACETYPES	Traditional Neighborhood	Traditional Neighborhood	Traditional Neighborhood	Traditional Neighborhood

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No comments.
2. CITY UTILITIES:
No issues with the proposed annexation. CU Electric/Gas/Water is available to all the affected tracts.
3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:
No objections to the annexation. Each tract has access to public sewer.
4. EMERGENCY 911:
No issues with proposed annexation.
5. GREENE COUNTY HIGHWAY DEPARTMENT:
The Greene County Highway Dept. supports the annexation of that portion of S. Hickory Avenue contained within A-3-2023.
6. POLICE DEPARTMENT:
No issues with proposed annexation.
7. FIRE DEPARTMENT:

Service – The primary Fire Station responding to this area would be Station #3 located at 205 N Patterson, which is approximately 2 miles from the northwest corner of the property. Fire Station #12 located at 2455 S Blackman Road is the secondary station responding to this location, which is 3.15 miles from the southwest corner of the property.

ISO area – The proposed annexation is currently outside the recommended ISO 1.5 mile (ISO diamond) response distance by .6 miles for the 1st due unit. ***This could have a minor impact on our ISO rating.***

Response times/Standards of Cover – Estimated response time was calculated mathematically with an assumed travel speed of 45 miles per hour by the fire apparatus. The 1st due company has an estimated total response time of 5 minutes. The 2nd due company has an estimated total response time of 6 minutes, 32 seconds. It is likely the standard of coverage benchmark could be met for single company responses and likely the benchmark could be met for a full 1st alarm response which requires 3 engines, 2 Trucks, 1 Rescue and 1 Battalion Chief to arrive on scene within 11 minutes and 24 seconds. ***The department expects that it will meet the initial unit and ERF benchmarks. This will not negatively impact our accreditation. This area is also served by an auto-aid agreement with Logan-Rogersville FPD.***

DEVELOPMENT REVIEW STAFF REPORT

		Estimated Total Response Time	Benchmark*	Baseline**
1 st Due Company	Station 3	6-7 minutes	6 minutes 20 seconds	8 minutes 13 seconds
Total Effective Response Force	Station 3,12,1,7,4,10	10-11 minutes	10 minutes 20 seconds	13 minutes 18 seconds

Water Supply – Currently there an 8" CU main servicing the proposed area to be annexed. ***The Fire Department does have any concerns with the water supply for this proposed annexation after fire code requirements for the development are met.***

Impact – The Fire Department responses to adjoining areas and similar development types are low. ***The Fire Department does not have any concerns with the operational impact to the department or the City of Springfield.***

Fire Department Recommendation: ***Upon review, the Fire Department is supportive of this request for annexation.***

8. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Pierson Creek** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream area. 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 annexation. Please note that development of the property will be subject to the following conditions at the time of development:

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

Detention Requirements:

- a. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. 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.
 - i. The proposed annexation site is approximately 1 acre in area and drains in multiple directions with surrounding areas are residential. The annexation can connect to the Hickory Village subdivision and create a regional basin.

DEVELOPMENT REVIEW STAFF REPORT

- b. 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.
 - i. 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).
 - ii. 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:

- a. 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:

- a. A land disturbance permit will be required with disturbing one acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
- b. As-builts of the detention and water quality improvements are required. We would like the following as-built notes on the plans:
 - i. 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.
- c. 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.
- d. 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.
 - i. Existing gravel surfaces meeting the above definition are eligible for 50% credit.

9. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:

Street Classification, Right-Of-Way, and Jurisdiction:

City's Transportation Plan classifies E. Cherry Street as a Secondary Arterial roadway and S. Hickory Avenue as a Residential Local roadway. The standard right-of-way width from the centerline of E. Cherry Street is 35 feet and 25 feet from the centerline of S. Hickory Avenue. It appears that approximately 15 feet of additional right-of-way is needed along E. Cherry Street. It appears that no additional right-of-way is needed

DEVELOPMENT REVIEW STAFF REPORT

along S. Hickory Avenue. A survey is recommended to determine the exact amount of existing right-of-way. E. Cherry Street and S. Hickory Avenue are city-maintained streets.

Traffic Counts & On-Street Parking:

There are no recent traffic counts for E. Cherry Street or S. Hickory Avenue. On-street parking is not allowed along E. Cherry Street. On-street parking is allowed along S. Hickory Avenue.

Driveway Access:

There are two driveway access points onto the property from E. Cherry Street. Access to this property will be allowed to E. Cherry Street and S. Hickory Avenue based on existing City of Springfield standards for the street classification.

Sidewalk:

There is no existing sidewalk along the property frontage of E. Cherry Street and S. Hickory Avenue. Sidewalk will be required along E. Cherry Street and S. Hickory Avenue at the time of subdivision or development.

Trails, Bus Stops, and Additional Information:

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along E. Cherry Street or S. Hickory Avenue near this property.

Improvements:

None required. A Traffic Impact Study may be required at the time of development:

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. Cherry Street	Secondary Arterial	No	20	35
Street 2	S. Hickory Avenue	Residential Local	Yes	25	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		5	7	62	
*Proposed Trips Generated		12	15	156	

DEVELOPMENT REVIEW STAFF REPORT

Additional Trips Generated

7

8

94

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

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant, Hickory Village 55 Plus, LLC, and Greene County Highway Department have requested to annex these areas generally located at 3710 and 3742 E. Cherry Street and 600 block of South Hickory Avenue which will facilitate the private property's proposed multi-family development and eliminate an island of unincorporated properties and public right-of-way.
2. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
3. The area to be annexed is contiguous and compact to the City of Springfield and is bounded on all four sides by the City of Springfield. This area is an unincorporated island.
4. The *Forward SGF Comprehensive Plan* supports this annexation because this annexation will aid in providing timely professional emergency services by eliminating any confusion for those emergency service responses.
5. The City will receive property tax revenue upon annexation of the private property and sales tax revenue if developed commercially.

STAFF RECOMMENDATION:

1. Staff recommends approval of the annexation request based on its compatibility with the *Comprehensive Plan's* Annexation policies.

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1 Annexation Schedule

ANNEXATION:

Initiate annexation	March 6, 2023
City Council public hearing	April 17, 2023
City Council second reading and vote	May 8, 2023



EXPLANATION TO COUNCIL BILL 2023-101 (MCGULL)

FILED: 05/10/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.37 acres of property generally located at 3710 and 3742 East Cherry Street from Greene County R-3, Multi-family residence district, and City of Springfield R-SF, Single-family residential district, to R-LD, Low-density multifamily residential district; and adopting an updated Official Zoning Map. (By: Hickory Village 55 Plus, LLC; 3710 & 3742 E. Cherry Street; Z-7-2023.)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.37 acres of property generally located at 3710 and 3742 E. Cherry Street from Greene County R-3, Multi-family residence district and City of Springfield R-SF, Single-family residential district to the City of Springfield's R-LD, Low-density multifamily residential district. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:
ZONING CASE NUMBER Z-7-2023

This rezoning request is accompanied by a request to annex the subject property into the City of Springfield (A-3-2023); however, when this rezoning request first came before City Council, the annexation was not yet ready for review. This case was therefore postponed until the annexation was ready to come forward with the rezoning request so both would be considered by City Council at the same time.

The applicant, Hickory Village 55 Plus, LLC, has requested to rezone the subject properties to permit the construction of new multifamily dwellings along E. Cherry Street and S. Hickory Avenue where infill opportunities are available.

REMARKS: The Planning and Zoning Commission held a public hearing on March 9, 2023, and recommended to approve, by a vote of 7 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant, Hickory Village 55 Plus, LLC, has requested to rezone an area of land generally located at 3710 and 3742 E. Cherry Street from Greene County

R-3, Multi-family residence district and City of Springfield R-SF, Single-family residential district to the City of Springfield's R-LD, Low-density multifamily residential district.

2. The proposed rezoning would align with the properties located to the south of the subject area, which are already zoned R-LD, Low-density multifamily housing, and were developed as such prior to 1980. Should the rezoning be approved, it would allow for the construction of new low-density multifamily housing on a site where the use is already present. All new construction on either side of S. Hickory Avenue would be limited to a maximum of 18 dwelling units per acre and would be subject to all of the bulk and open space requirements listed in subsection 36-382 (6). In addition to complementing the existing multifamily development to the south, approval of the requested rezoning would allow for uniform development along this portion of E. Cherry Street.
3. During the formation of the new Comprehensive Plan, all Greene County property located within identified growth areas surrounding the City were given Future Placetype designations to assist in the cohesive planning and development of property located along the City's periphery. The subject area, as well as all property within the immediate vicinity of this request, was included within the Traditional Neighborhood Placetype, which encourages support for low-density multifamily projects located along higher classification streets such as E. Cherry Street, a Secondary Arterial roadway.
4. There are changing conditions in the area affected that make the proposed rezoning necessary. The property owner has submitted an application to annex these properties into the City of Springfield, requiring that they be provided a Springfield zoning designation at this time.
5. The range of uses in the proposed R-LD, Low-density multifamily residential district are compatible with the uses permitted on other property in the immediate vicinity. As noted throughout staff's report on this matter, the rezoning of this property would allow for future multifamily development at a density complementary of the existing multifamily development located to the south of the subject area.
6. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned. Per the reviews provided by City Utilities and Environmental Services – Wastewater Management, there are no critical concerns with the proposed annexation and rezoning of these properties; however, Wastewater Management did note that future subdivision of these parcels may require an extension of public sewer, depending on the configuration of future lots.
7. The impact of the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic, or reduce traffic safety in the vicinity. Per the review performed by Public Works – Traffic, there are no concerns regarding the vehicular or pedestrian traffic generated as a result of the proposed rezoning. Traffic did note, however, that additional public right-of-way is needed along E. Cherry Street.

8. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
9. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted By: Kyle McGinnis, Senior City Planner

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

Attachments:

1. Z-7-2023_ord
2. Z-7-2023_exhA
3. Z-7-2023_exhB
4. Z-7-2023_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 22
Filed: 05-02-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-101

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 1.37 acres of property generally located at 3710 and 3742 East
4 Cherry Street from Greene County R-3, Multi-family residence
5 district, and City of Springfield R-SF, Single-family residential
6 district, to R-LD, Low-density multifamily residential district; and
7 adopting an updated Official Zoning Map. (Staff and Planning and
8 Zoning Commission recommend approval.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 generally located at 3710 and 3742 East Cherry Street from Greene County R-3, Multi-
13 family residence district, and City of Springfield R-SF, Single-family residential district,
14 to R-LD, Low-density multifamily residential district; and
15

16 WHEREAS, following proper notice, the Planning and Zoning Commission held a
17 public hearing on March 9, 2023, a copy of the Record of Proceedings from said public
18 hearing being attached hereto and incorporated herein by this reference as "Exhibit B,"
19 and said Commission made its recommendation; and
20

21 WHEREAS, the City has reviewed the applicant's request and prepared a staff
22 report concerning the application, which is attached hereto and incorporated herein by
23 this reference as "Exhibit C;" and
24

25 WHEREAS, proper notice was given of a public hearing before City Council, and
26 said hearing was held in accordance with the law.
27

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

31 Section 1 – The property described in "Exhibit A," which is attached hereto and
32 incorporated herein by this reference, is hereby rezoned from Greene County R-3,
33 Multi-family residence district, and City of Springfield R-SF, Single-family residential

34 district, to R-LD, Low-density multifamily residential district. Springfield Land
35 Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is
36 hereby amended, changed, and modified consistent with this Ordinance.
37

38 Section 2 – City Council hereby directs the City Manager, or designee, to update
39 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
40 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
41 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
42 rules of interpretation.'
43

44 Section 3 – The Official Zoning Map herein adopted shall be maintained and
45 archived in the same digital form in which this Council has approved its adoption.
46

47 Section 4 – This Ordinance shall be in full force and effect from and after
48 passage.
49

50 Passed at meeting: _____
51

52 _____
53 Mayor
54

55 Attest: _____, City Clerk
56

57 Filed as Ordinance: _____
58

59 Approved as to form: Jill Bunn, Assistant City Attorney
60

61 Approved for Council action: Jason A. Hays, City Manager
62
63

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-7-2023

ALL THE NORTH 77.50 FEET OF LOT 9, ALL IN HICKORY VILLAGE, A
SUBDIVISION GREENE COUNTY, MISSOURI.

ALL THE NORTH 75.00 FEET OF LOTS 2 AND 3, ALL IN HICKORY VILLAGE, A
SUBDIVISION GREENE COUNTY, MISSOURI.

ALL OF LOT 1 IN HICKORY VILLAGE, A SUBDIVISION GREENE COUNTY,
MISSOURI.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – March 9, 2023

Z-7-2023
3710 East Cherry Street
Applicant: Hickory Village 55 Plus, LLC

Mr. McGinnis stated that this is a request to rezone approximately 1.37 acres of property generally located at 3710 and 3742 E. Cherry Street from Greene County R-3, Multi-family residence district and City of Springfield R-SF, Single-family residential district to the City of Springfield's R-LD, Low-density multifamily residential district. Staff recommends approval.

Mr. Knuckles opened the public hearing.

Mr. Cameron Hole, 3213 S. West Bypass, rezoning to match and complement the existing and surrounding zoning of low density.

Mr. Knuckles closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-7-2023 (3710 East Cherry Street). Mr. Pauly seconded the motion. Ayes: Knuckles, Colony, Lebeck, Pauly, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Jobe and Broekhoven



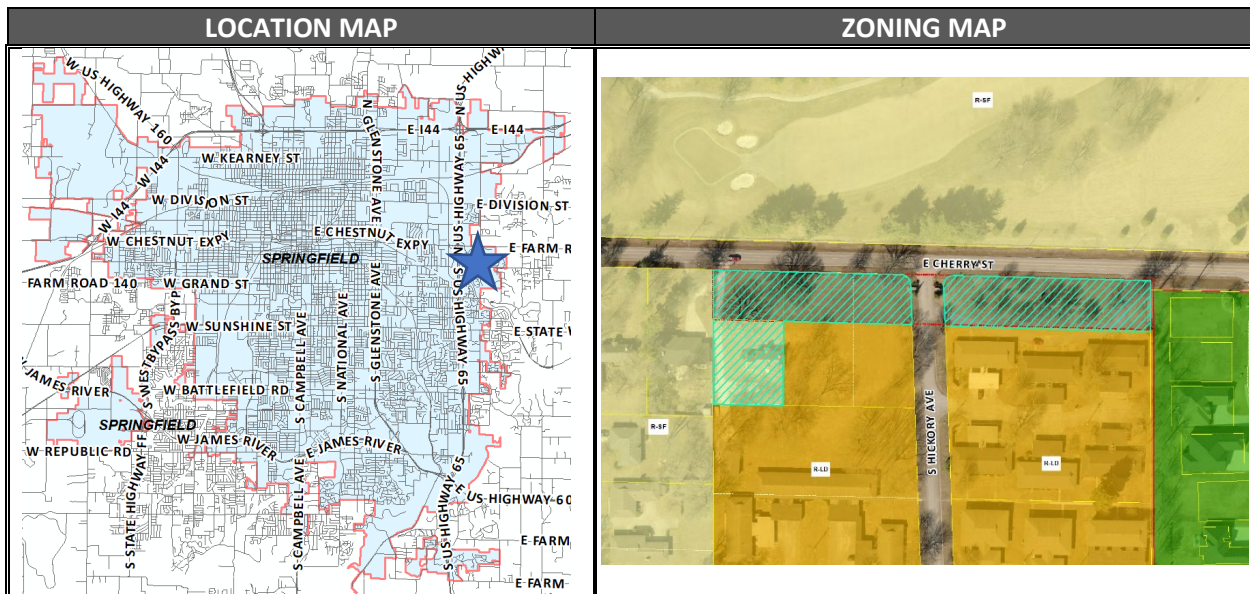
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Z-7-2023
Location:	3710 & 3742 E. Cherry Street
Total Acres:	1.37 acres
Applicant:	Hickory Village 55 Plus, LLC
Existing Land Use:	Single-family home, vacant
Neighborhood Meeting:	February 16, 2023
Planning and Zoning Commission:	March 9, 2023
City Council:	May 8, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Kyle McGinnis
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to rezone approximately 1.37 acres of property generally located at 3710 and 3742 E. Cherry Street from Greene County R-3, Multi-family residence district and City of Springfield R-SF, Single-family residential district to the City of Springfield's R-LD, Low-density multifamily residential district.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT



PROPERTY HISTORY:

The only portion of the project area already located within Springfield City Limits is east of S. Hickory Avenue, and was rezoned R-SF, Single-family residential district in 1995 during the citywide remapping. The remainder of the project area has not yet been annexed into the City.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

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

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

DEVELOPMENT REVIEW STAFF REPORT

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR LOW-DENSITY MULTIFAMILY RESIDENTIAL
Use Limitations	(a) Single-family detached dwellings are not permitted unless they exist at the time the district is mapped. (b) All uses shall operate in accordance with the noise standards contained in Section 36-485, Noise standards. (c) No use shall emit an odor that creates a nuisance as determined by Chapter 2A, Article X, Springfield City Code.
Minimum Lot Size	(a) Minimum lot area: 1. Each townhouse on a separate platted lot: 2,400 square feet. 2. Existing single-family detached dwellings: 5,000 square feet. 3. Duplexes: 6,500 square feet. 4. Single-family semi-detached dwellings: 3,750 square feet. 5. All other uses: 8,250 square feet. (b) Minimum lot width: 1. Each townhouse on a separate platted lot: a. End lots: 30 feet. b. Interior lots with driveway in front yard: 26 feet. c. Interior lots without driveway in front yard: 20 feet. 2. Single-family semi-detached dwelling units: 30 feet. 3. All other uses: 45 feet. (c) Minimum lot depth: 1. Each townhouse on a separate platted lot: 75 feet. 2. All other uses: 80 feet.
Maximum Height	(a) When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. (b) When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Bulk Plane	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 Yard Requirements	(a) Front yard: 1. Twenty-five feet along a street classified as a collector or higher classification street or as required by Section 36-453. 2. 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).

DEVELOPMENT REVIEW STAFF REPORT

	(b) Side yards: Six feet or as required by Section 36-453, provided that no side yard is required for any building that has a common wall on a lot line. (c) Rear yard: Ten percent of the lot depth but may not be less than ten feet, nor will more than 20 feet be required.
Minimum Open Space	Not less than 20% of the total lot area shall be devoted to open space including required 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.
Design Requirements	(a) A site plan meeting the requirements of Section 36-330, Zoning administration, shall be submitted and approved for all uses except improvements to duplex and single-family semi-detached dwellings and existing single-family detached dwellings. (b) A plot plan meeting the requirements of subsection 36-331 (3) shall be submitted and approved for improvements to all duplex and single-family semi-detached dwellings and existing single-family detached dwellings. (c) A landscaping plan meeting the requirements of Sections 36-482, Landscaping and bufferyards, and 36-483, Off-street parking and loading area design standards, shall be submitted and approved for all uses except improvements to duplex and single-family semi-detached dwellings and existing single-family detached dwellings. (d) Off-street parking lots and vehicular use areas for permitted nonresidential uses shall be screened from all residential uses in accordance with Section 36-480, Screening and fencing. (e) Storage of maintenance or other equipment incidental to any permitted or conditional use except for duplex and single-family semi-detached dwellings and existing single-family detached dwellings shall be screened from view in accordance with the provisions of Section 36-480. (f) The maximum length of any cluster of townhouse dwelling units shall not exceed 240 linear feet. (g) Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal and vertical surface. There shall be no more than two continuous townhouse dwelling units without a break in the horizontal and vertical elevations of at least three feet. (h) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with Section 36-484, Lighting standards.

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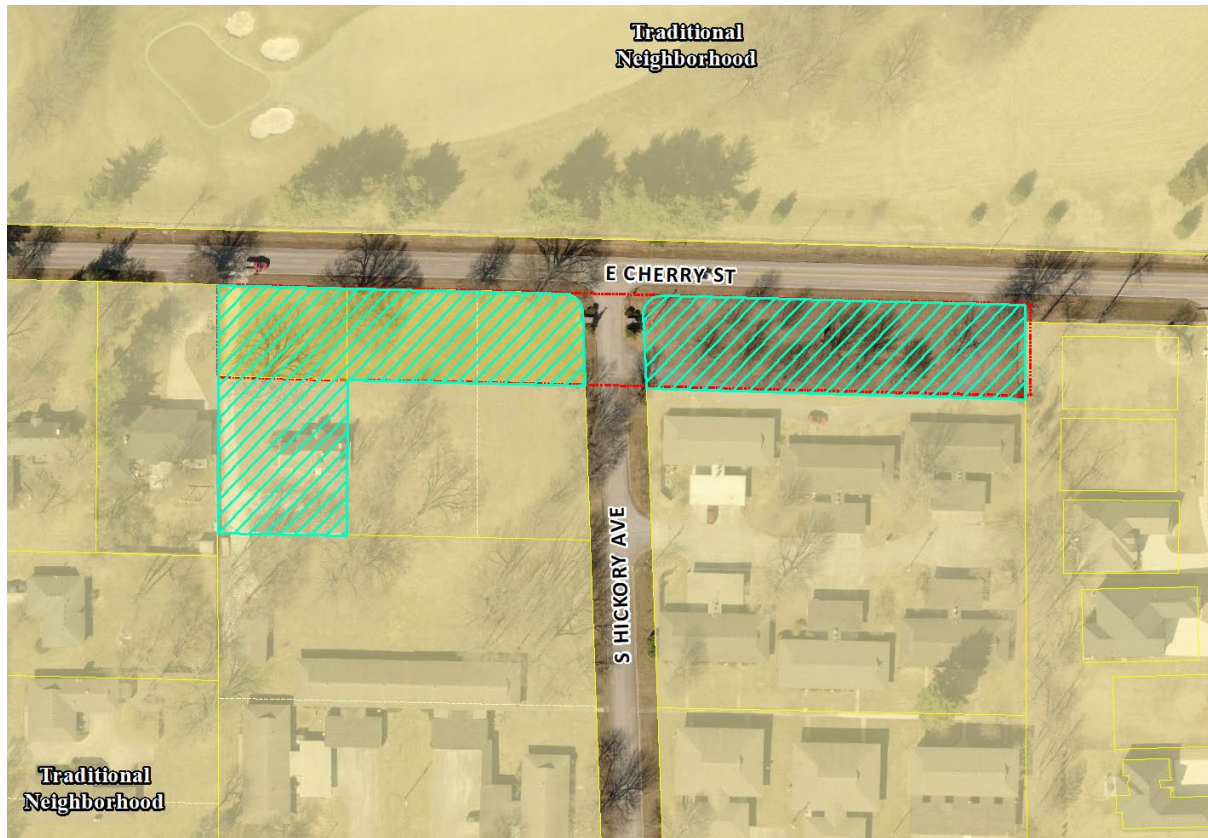
	(i) Refuse storage areas shall be screened from view in accordance with Section 36-480. (j) Required front yards shall be landscaped with grass, ground cover, plants, shrubs or trees. Decorative landscaping materials such as rock, bark, and mulch are also permitted. Impervious surfaces in required front yards shall be minimized and shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular driveways are permitted if sufficient frontage is available and if approved by the traffic engineer. (k) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with Section 36-480. (l) Accessory buildings and structures shall meet the requirements of Section 36-450, Accessory structures and uses.
Buffering and Landscaping	Future development may need to comply with the interior and perimeter landscaping requirements of subsection 36-482 (9), depending on the orientation of new structures and vehicular use areas. A bufferyard B will be required to the west due to the adjacent R-SF district; refer to subsections 36-482 (11) and (12) for further details.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

During the formation of the new *Comprehensive Plan*, the subject area was given the Traditional Neighborhood Placetype designation – the only Placetype in the immediate vicinity of the subject area. The Traditional Neighborhood Placetype is typically characterized by post-war single-family detached dwellings with uniform setbacks, building designs, and parcel sizes, with neighborhood parks, schools, and churches dispersed throughout the neighborhood area to serve nearby residents. Per the *Comprehensive Plan*, planning efforts within this Placetype should seek to improve a neighborhood's quality of place, which is not only achieved through beautification efforts such as the planting of street trees but is also accomplished by supporting low-intensity multifamily projects, amongst other low-intensity non-residential uses, when located near the greenway trail system or along higher classification streets, or as identified by residents during the neighborhood planning process. The proposed rezoning to R-LD, Low-density multifamily residential district along E. Cherry Street – a Secondary Arterial roadway – aligns with the *Comprehensive Plan's* vision for the Traditional Neighborhood Placetype.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:

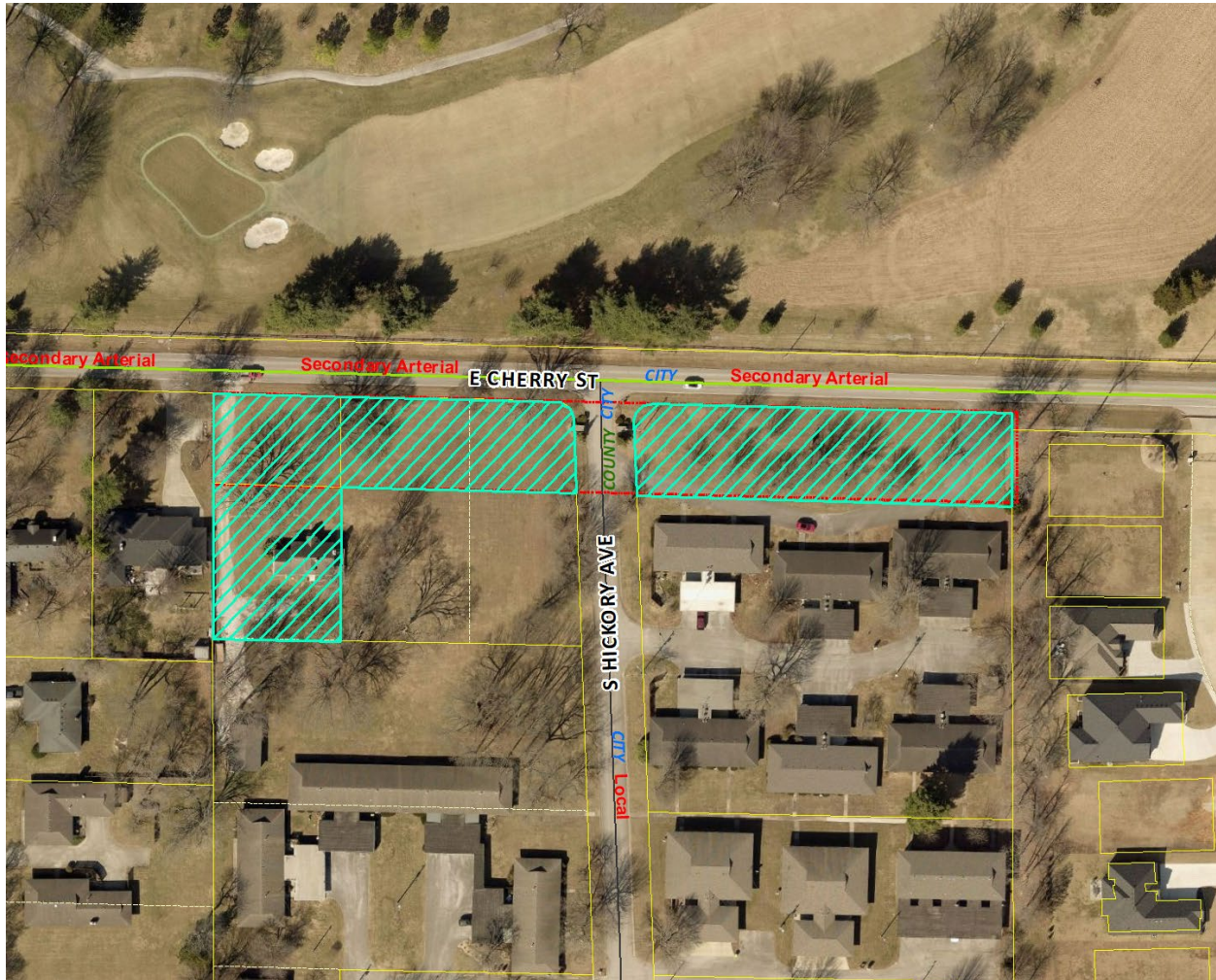


PLACETYPES	LAND USES															
	Single-Family Detached	Single-Family Attached	Multi-family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office / Hospitality	Neighborhood Retail Sales & Service	Major / Artisan & Innovation Spaces	Public & Private Schools & Places of Worship	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehouse & Distribution Facilities	Heavy Industry & Manufacturing
Residential Neighborhood	●	○	◇	○	◇	◇	○	○	○	○	○	○	○	○	○	○
Mixed Residential	●	●	○	○	◇	◇	○	○	○	○	○	○	○	○	○	○
Downtown	●	●	●	○	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

- **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype
- **Supporting Land Use:**
Less prevalent and serve to support the primary land use.
- ◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-LD	Planned Development No. 308	R-SF
LAND USE	Outdoor recreation	Multifamily dwellings	Single-family homes	Single-family homes
PLACETYPES	Traditional Neighborhood	Traditional Neighborhood	Traditional Neighborhood	Traditional Neighborhood

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No issues with the proposed rezoning.
2. CITY UTILITIES:
No issues with the proposed rezoning.
3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:
No objections to the rezoning although we have the following comments:
 - a. Public sewer is located in S. Hickory Avenue and across the north side of Lot 4, 633 S. Hickory Avenue. Any subdivision activity that changes the existing lot configuration may require additional public sewer improvements; and
 - b. There are existing Sewer Extension Cost Recovery (SECR) agreements for 633 S. Hickory Avenue and Lot 9. These agreements will trigger additional fees if new water meters are added for new buildings. Additional information will be needed in order to evaluate and comment.
4. FIRE DEPARTMENT:
No issues with the rezoning.
5. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:
The property is in the **Pierson Creek** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream area. 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 for the proposed rezoning. Please note that development of the property will be subject to the following conditions at the time of development:

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

Detention Requirements:

- a. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. 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.
 - i. Detention will be evaluated at the time of development based on the design and further analysis.

DEVELOPMENT REVIEW STAFF REPORT

Water Quality Requirements:

- a. 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 acre or greater. Including projects less than one acre that are part of a larger common plan of development or sale that will disturb one or more acres of the life of the project. Chapter 10 Sec. 2.0.

Additional Stormwater Standards to be met:

- a. A land disturbance permit will be required with disturbing one acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
 - b. As-builts of the detention and water quality improvements are required. We would like the following as-built notes on the plans:
 - i. 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 measures.
 - c. 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.
 - d. 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.
 - i. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
6. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:
- Street Classification, Right-Of-Way, and Jurisdiction:
- City's Transportation Plan classifies E. Cherry Street as a Secondary Arterial roadway and S. Hickory Avenue as a Residential Local roadway. The standard right-of-way width from the centerline of E. Cherry Street is 35 feet and 35 feet from the centerline of S. Hickory Avenue. It appears that approximately 15 feet of additional right-of-way is needed along E. Cherry Street. It appears that no additional right-of-way is needed along S. Hickory Avenue. A survey is recommended to determine the exact amount of existing right-of-way. E. Cherry Street and S. Hickory Avenue are city-maintained streets.

Traffic Counts & On-Street Parking:

There are no recent traffic counts for E. Cherry Street or S. Hickory Avenue. On-street parking is not allowed along E. Cherry Street. On-street parking is allowed along S. Hickory Avenue.

DEVELOPMENT REVIEW STAFF REPORT

Driveway Access:

There are two driveway access points onto the property from E. Cherry Street. Access to this property will be allowed to E. Cherry Street and S. Hickory Avenue based on existing City of Springfield standards for the street classification.

Sidewalk:

There is no existing sidewalk along the property frontage of E. Cherry Street and S. Hickory Avenue. Sidewalk will be required along E. Cherry Street and S. Hickory Avenue at the time of subdivision or development.

Trails, Bus Stops, and Additional Information:

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along E. Cherry Street or S. Hickory Avenue near this property.

Improvements:

None required. A Traffic Impact Study may be required at the time of development.

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. Cherry Street	Secondary Arterial	No	20	35
Street 2	S. Hickory Avenue	Residential Local	Yes	25	25
		AM Peak	PM Peak	Weekday	Weekend
	Existing Trips Generated	5	7	62	-
	*Proposed Trips Generated	12	15	156	-
	Additional Trips Generated	7	8	94	-

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

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant, Hickory Village 55 Plus, LLC, has requested to rezone an area of land generally located at 3710 and 3742 E. Cherry Street from Greene County R-3, Multi-family residence district and City of Springfield R-SF, Single-family residential district to the City of Springfield's R-LD, Low-density multifamily residential district.

DEVELOPMENT REVIEW STAFF REPORT

2. The proposed rezoning would align with the properties located to the south of the subject area, which are already zoned R-LD, Low-density multifamily housing, and were developed as such prior to 1980. Should the rezoning be approved, it would allow for the construction of new low-density multifamily housing on a site where the use is already present. All new construction on either side of S. Hickory Avenue would be limited to a maximum of 18 dwelling units per acre and would be subject to all of the bulk and open space requirements listed in subsection 36-382 (6). In addition to complementing the existing multifamily development to the south, approval of the requested rezoning would allow for uniform development along this portion of E. Cherry Street.
3. During the formation of the new *Comprehensive Plan*, all Greene County property located within identified growth areas surrounding the City were given Future Placetype designations to assist in the cohesive planning and development of property located along the City's periphery. The subject area, as well as all property within the immediate vicinity of this request, was included within the Traditional Neighborhood Placetype, which encourages support for low-density multifamily projects located along higher classification streets such as E. Cherry Street, a Secondary Arterial roadway.
4. There are changing conditions in the area affected that make the proposed rezoning necessary. The property owner has submitted an application to annex these properties into the City of Springfield, requiring that they be provided a Springfield zoning designation at this time.
5. The range of uses in the proposed R-LD, Low-density multifamily residential district are compatible with the uses permitted on other property in the immediate vicinity. As noted throughout staff's report on this matter, the rezoning of this property would allow for future multifamily development at a density complementary of the existing multifamily development located to the south of the subject area.
6. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned. Per the reviews provided by City Utilities and Environmental Services – Wastewater Management, there are no critical concerns with the proposed annexation and rezoning of these properties; however, Wastewater Management did note that future subdivision of these parcels may require an extension of public sewer, depending on the configuration of future lots.
7. The impact the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity. Per the review performed by Public Works – Traffic, there are no concerns regarding the vehicular or pedestrian traffic generated as a result of the proposed rezoning. Traffic did note, however, that additional public right-of-way is needed along E. Cherry Street.
8. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.

DEVELOPMENT REVIEW STAFF REPORT

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

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Traditional Neighborhood Placetype, and on the findings of fact as noted above.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification.
2. Recommend a change in the zoning district classification.
3. Recommend a change in the zoning district classification together with recommendations which, in the judgment of the planning and zoning commission, will protect adjacent property and ensure that the proposed amendment is consistent with the purpose and intent of this article.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-SF & Greene County Residential to R-LD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 02/16/2023 4 PM - 630 PM
3. Meeting Location: 1030 S Eastgate Ave, Springfield, MO 65809
4. Number of invitations that were sent: 66
5. How the mailing list was generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 3
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

N/A

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 02/16/2023 (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 Davis

Printed name of person completing affidavit

Hickory Village
Neighborhood Mtg

CHARLES F. COLLIER 3810 E CHERRY

Missy Collier 3810 E Cherry St + Steve Kronbenger

Jean White 3634 Allen



EXPLANATION TO COUNCIL BILL 2023-102 (MCGULL)

FILED: 05/10/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: 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. (By: NGA Holdings, LLC; 2238, 2250, 2316 East Catalpa Street; Z-3-2023 w/COD No. 223.)

PURPOSE: 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 Multi-family Residential and establishing Conditional Overlay District No. 223. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-3-2023 w/COD No. 223

The applicant is requesting to rezone 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 Multi-family Residential and establishing Conditional Overlay District No. 223 with the intent to construct a multi-family dwellings.

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. However, additional stormwater conditions were not presented at this meeting. Planning staff recommended that City Council remand this application back to Planning and Zoning Commission so that the stormwater conditions could be included in the application. City Council remanded this application to Planning and Zoning Commission on March 20, 2023.

The additional stormwater conditions have been included in the Conditional Overlay District as item #3 in this application.

The Planning and Zoning Commission held a public hearing on April 6, 2023, and recommended to approve, by a vote of 9 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 Planning and Zoning Commission reviewed and recommended approval of this proposal at the, February 9, 2023, meeting.
2. After the Planning and Zoning Commission meeting, it was discovered that Public Works Stormwater Engineering needed additional Conditional Overlay District language to require off-site stormwater improvements that were not included in the original Conditional Overlay District language at the February 9, 2023, Commission hearing.
3. At the March 20 City Council meeting, Council remanded this issue back to the Planning and Zoning Commission to include off-site stormwater improvements in the Conditional Overlay District (see attached Conditional Overlay District language).
4. 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 multi-family dwellings.
5. 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.
6. 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* Chapter 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.

7. 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.
8. The COD language also addresses stormwater issues by requiring that the developer design and construct downstream public improvements to alleviate flooding in the vicinity of S. Barnes Ave. and E. Catalpa St. projected because of the development of the property. The public improvements shall be constructed and approved by Public Works prior to issuance of any building permits for the property. The design of the downstream system shall include an analysis of the existing downstream stormwater system to ensure sufficient capacity and no adverse impacts.
9. The surrounding street network is comprised on Catalpa Street and Barnes Avenue, both classified as Collector roadways, and Oak Grove, a secondary arterial. Direct access to this property is from Catalpa Street. New development of apartments would have access to these Collector streets without the need to traverse minor streets in the adjoining residential neighborhood.
10. 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.
11. 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.
12. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.
13. The proposed rezoning was reviewed by City departments, whose comments are contained above.

Submitted By: Michael Sparlin, Senior City Planner

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

- Attachments:**
1. Z-3-2023 with COD #223_ord
 2. Z-3-2023 COD 223_exhA
 3. Z-3-2023 COD 223_exhB
 4. Z-3-2023 COD 223_exhC
 5. Z-3-2023 COD 223_exhD
 6. Z-3-2023 COD 223 February 9 2023 ROP_exhE

One-rdg. _____
P. Hrngs. X
Pgs. 33
Filed: 05-02-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-102

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 and
8 Planning and Zoning Commission recommend approval.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 generally located at 2238, 2250, and 2316 East Catalpa Street from R-TH, Residential
13 Townhouse District, to R-LD, Low-density Multifamily Residential District, with
14 Conditional Overlay District No. 223; and
15

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

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

26 WHEREAS, on March 20, 2023, City Council, based on the recommendation of
27 City staff, referred this application back to the Planning and Zoning Commission to
28 consider the addition of certain stormwater improvements to the requirements of the
29 Conditional Overlay District; and
30

31 WHEREAS, the Planning and Zoning Commission held a second public hearing
32 on April 6, 2023, a copy of the Record of Proceedings from said public hearing being
33 attached hereto and incorporated herein by this reference as "Exhibit C," and said

Commission recommended approval of the application with the additional stormwater conditions added as part of the Conditional Overlay District; and

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

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

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

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

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

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

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

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

80 Filed as Ordinance: _____

81

82

83 Approved as to form: Jill Bennis, Assistant City Attorney

84

85

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

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-3-2023 COD 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.
3. At time of development, the developer must design and construct downstream public improvements, in accordance with City standards and specifications, to alleviate flooding in the vicinity of S. Barnes Ave. and E. Catalpa St. projected because of the development of the property. The public improvements shall be constructed and approved by Public Works prior to issuance of any building permits for the property. The design of the downstream system shall include an analysis of the existing downstream stormwater system to ensure sufficient capacity and no adverse impacts.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-3-2023 COD No. 223

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 COD No. 223

Planning and Zoning Commission – April 6, 2023

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

Remanded back by City Council.

Mr. Sparlin stated that 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. Staff recommends approval.

Mr. Sparlin noted the original staff report had omitted additional off-site stormwater requirements and was remanded back from City Council.

Mr. Colony asked about existing flooding problems to be corrected by the developer.

Mr. Sparlin says the COD storm water conditions are addressed.

Mr. Codichini, Public Works, the developer must alleviate flooding in the vicinity and require water detention quality.

Mr. Jobe opened the public hearing.

Mr. Jared Davis, 3213 S. West Bypass, here to answer any questions and no changes from last time.

Ms. Leslie Vandenberg, 1162 S. Marlan Avenue and representing the Enchanted Woodlands neighborhood and her concerns remain the same as last time which is more people and traffic on the existing land that will cause more traffic and stormwater and wants a clear plan for the development.

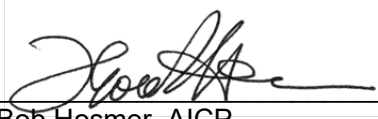
Ms. Sherry Lincoln, 1163 S. Maple Grove has noticed large trucks coming and going and questions how much infill this property will require. She also noted that money is to be escrowed for maintenance and any other maintenance will be maintained by the city per promises at the last Planning and Zoning meeting. Wants all pledges kept before any occupancy permits are allowed.

Mr. Colony stated that they (Planning Commission and City Council) have agreed to the concerns regarding the storm water and the traffic issues.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

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

A handwritten signature in black ink, appearing to read "Bob Hosmer", is written over a horizontal line. The signature is enclosed in a thin black rectangular box.

Bob Hosmer, AICP
Planning Manager



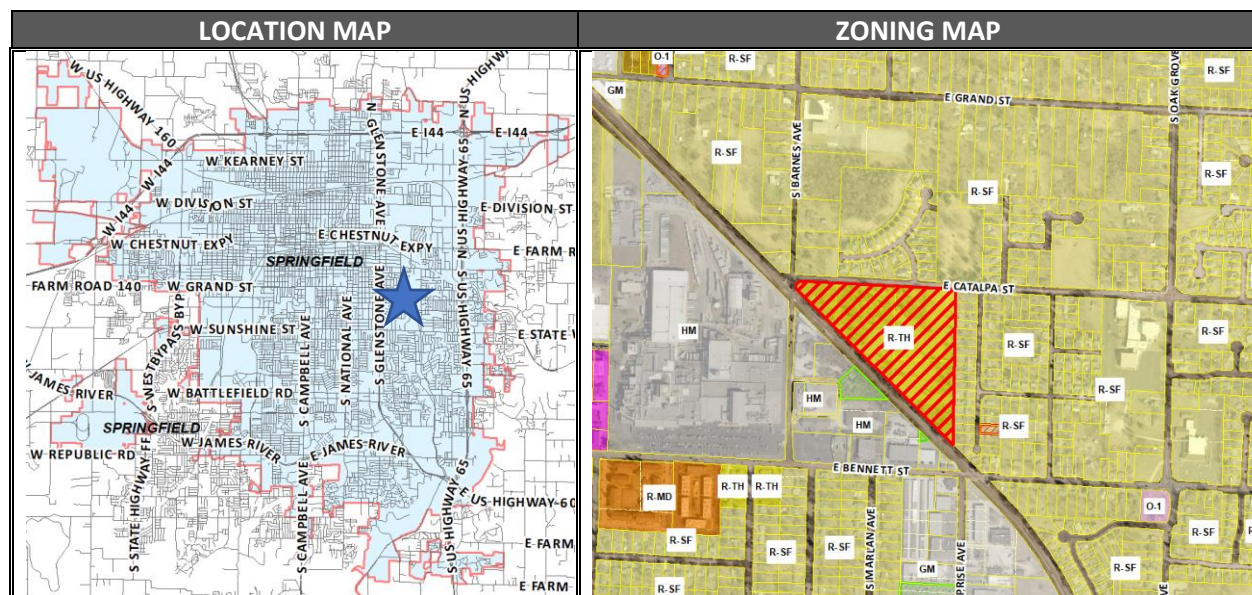
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-3-2023 w/ COD No. 223
Location:	2238, 2250, 2316 East Catalpa Street
Total Acres:	14.8
Applicant:	NGA Holdings, LLC
Existing Land Use:	Undeveloped land
Neighborhood Meeting:	January 19, 2023
Planning and Zoning Commission:	April 6, 2023
City Council:	May 8, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

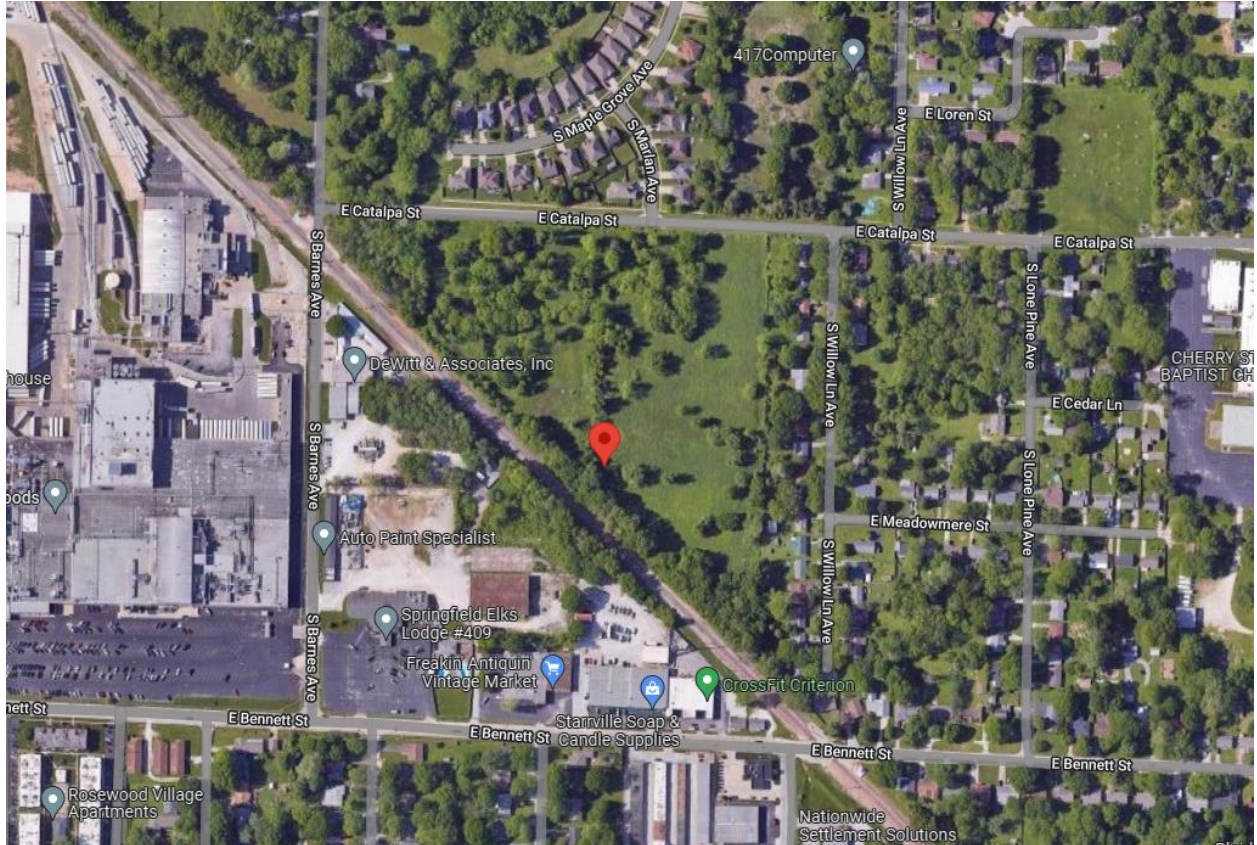
PROJECT SUMMARY:

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. At the March 6th City Council meeting, Council remanded this issue back to the Planning and Zoning Commission to include off-site stormwater improvements in the Conditional Overlay District



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GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



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. 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 REQUIREMENTS:

CODE ITEM	REQUIREMENT 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.

DEVELOPMENT REVIEW STAFF REPORT

Minimum Open Space	Not less than 20 percent of the total lot area.
Buffering 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:

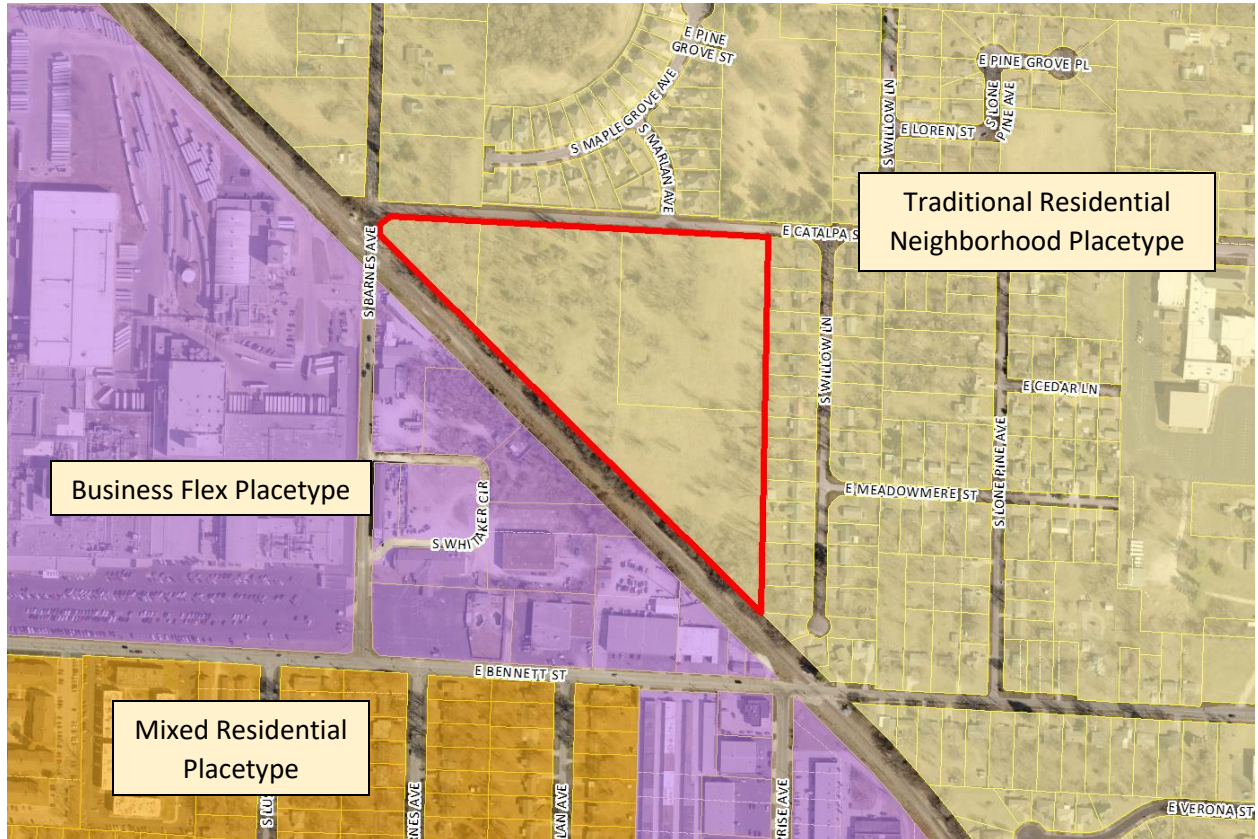
PLACETYPE:

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.

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.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:

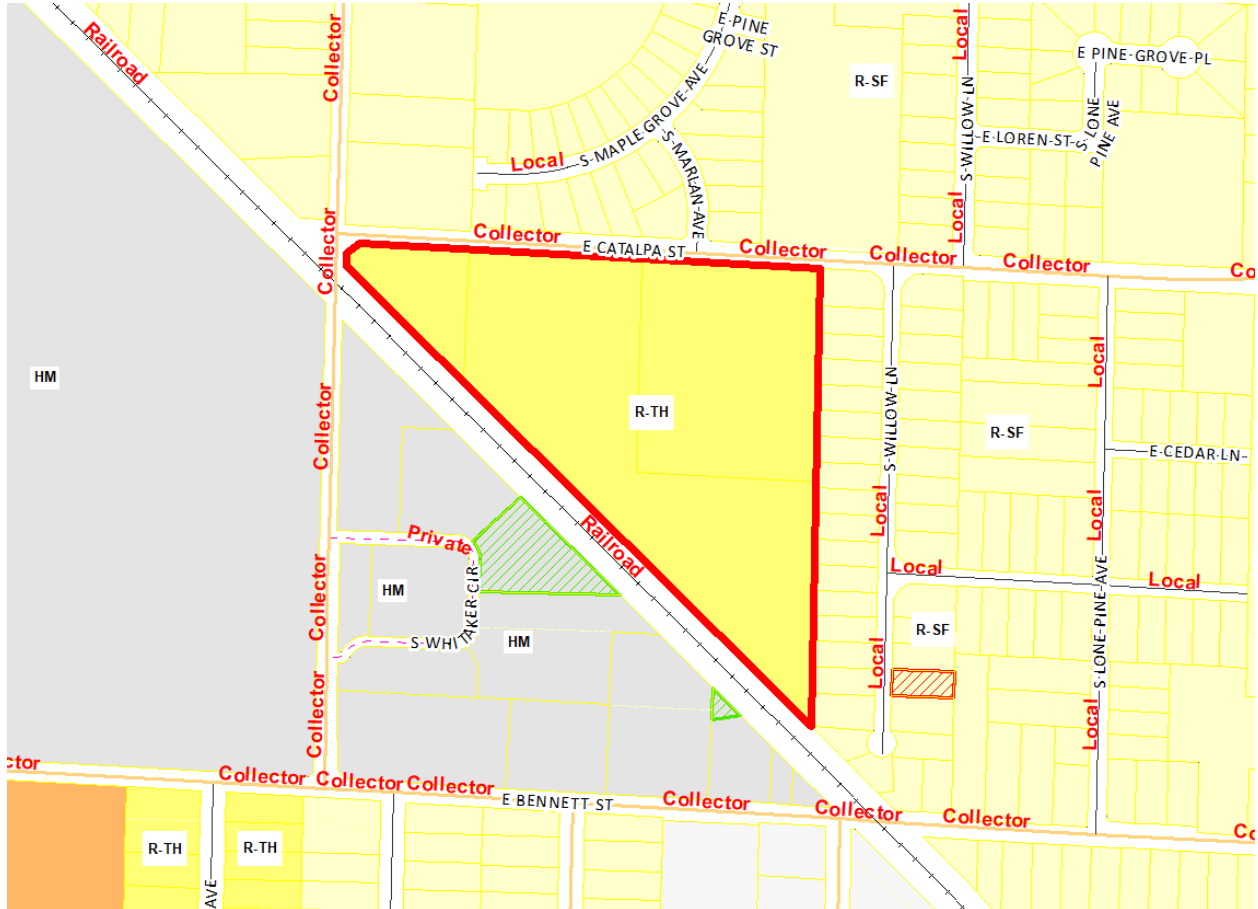


PLACETYPES	LAND USES															
	Single-family Detached	Single-family Attached	Multi-family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office, Hospitality, Retail Sales & Service	Neighborhood Commercial	Maker, Artisan & Innovation Spaces	Public & Private Schools & Places of Worship	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehousing & Distribution Facilities	Heavy Industry & Manufacturing
Residential Neighborhood	●	○	◇	○	◇	◇	○									
Mixed Residential	●	●	○	○	◇	◇	○									
Downtown	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center			○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex				○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics				○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation				○	○	○										

- **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype
- **Supporting Land Use:**
Less prevalent and serve to support the primary land use.
- ◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

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

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

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 contingent that stormwater improvements are contained in the Conditional Overlay District as follows:

1. At time of development, the developer must design and construct downstream public improvements, in accordance with City standards and specifications, to alleviate flooding in the vicinity of S. Barnes Ave. and E. Catalpa St. projected to result from development of the property. The public improvements shall be constructed and approved by Public Works prior to issuance of any building permits for the property. The design of the downstream system shall include an analysis of the existing downstream stormwater system to ensure sufficient capacity and no adverse impacts.

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

DEVELOPMENT REVIEW STAFF REPORT

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.
- 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.

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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.

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.)
	E. Catalpa Street	Collector	No	20	30

DEVELOPMENT REVIEW STAFF REPORT

Street 1				
	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).

STAFF ANALYSIS AND RECOMMENDATION:

1. The Planning and Zoning Commission reviewed and recommended approval of this proposal at the, February 9, 2023, meeting.
2. After the Planning and Zoning Commission meeting it was discovered that Public Works Stormwater Engineering needed additional Conditional Overlay District language to require off-site stormwater improvements that were not included in the original Conditional Overlay District language at the, February 9, 2023, Commission hearing.
3. At the March 6th City Council meeting, Council remanded this issue back to the Planning and Zoning Commission to include off-site stormwater improvements in the Conditional Overlay District see attached Conditional Overlay District language.
4. 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.
5. 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

DEVELOPMENT REVIEW STAFF REPORT

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.

6. 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.
7. 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.
8. The COD language also addresses stormwater issues by requiring that the developer design and construct downstream public improvements to alleviate flooding in the vicinity of S. Barnes Ave. and E. Catalpa St. projected because of the development of the property. The public improvements shall be constructed and approved by Public Works prior to issuance of any building permits for the property. The design of the downstream system shall include an analysis of the existing downstream stormwater system to ensure sufficient capacity and no adverse impacts.
9. 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. New development of apartments would have access to these Collector streets without the need to traverse minor streets in the adjoining residential neighborhood.
10. 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.
11. 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.
12. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.
13. The proposed rezoning was reviewed by City departments, whose comments are contained above.

DEVELOPMENT REVIEW STAFF REPORT

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Traditional Residential Neighborhood Placetype and on the finding of facts above.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification
2. Recommend a change in the zoning district classification.
3. Recommend a change in the zoning district classification together with recommendations which, in the judgment of the planning and zoning commission, will protect adjacent property and ensure that the proposed amendment is consistent with the purpose and intent of this article.

DEVELOPMENT REVIEW STAFF REPORT**ATTACHMENT 1****CONDITIONAL OVERLAY DISTRICT NO. 223**

The requirements of Section 36-382 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

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.
3. At time of development, the developer must design and construct downstream public improvements, in accordance with City standards and specifications, to alleviate flooding in the vicinity of S. Barnes Ave. and E. Catalpa St. projected because of the development of the property. The public improvements shall be constructed and approved by Public Works prior to issuance of any building permits for the property. The design of the downstream system shall include an analysis of the existing downstream stormwater system to ensure sufficient capacity and no adverse impacts.

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

Exhibit E

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



EXPLANATION TO COUNCIL BILL 2023-103 (HORTON)

FILED: 05/10/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.20 acres of property generally located at 718 West Division Street from R-SF, Single-family residential district, to R-TH, Residential townhouse district, with Conditional Overlay District No. 227; establishing Conditional Overlay District No. 227; and adopting an updated Official Zoning Map. (By: Teyie Miychelle, LLC; 718 W. Division Street; Z-9-2023 w/COD #227.)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.20 acres of property generally located at 718 W. Division Street from R-SF, Single-family residential district to R-TH, Residential townhouse district and establishing Conditional Overlay District No. 227. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION: The applicant, Teyie Miychelle, LLC, has requested the proposed rezoning with the intent to construct a duplex on the property. This property has been zoned R-SF, Single-family residential since 1995; in 2018, the single-family home, which existed on the property at that time, was determined to be a dangerous building and was demolished. Per Chapters 5 and 7 of the Comprehensive Plan, support for the various forms of "missing middle" housing – including duplexes – should be provided when such properties are located along a neighborhood's primary corridors and near neighborhood-scale commercial nodes. Due to the patchwork of infill development this may generate, the Comprehensive Plan calls for the thoughtful use of architecture and siting to produce a streetscape of a quality visual aesthetic and sense of place.

In alignment with the recommendations noted above, the applicant has proposed Conditional Overlay District No. 227, which will require that future construction on this property meet all of the requirements and limitations of the City's Affordable Housing Design Guidelines. In addition, based on the property's frontage on W. Division Street, the presence of higher-density residential zoning in the area of the rezoning, and the subject property's proximity to nonresidential zoning districts and land uses, staff has determined that the proposal is in general alignment with the vision and objectives of the City's Comprehensive Plan.

REMARKS: The Planning and Zoning Commission held a public hearing on April 6, 2023, and recommended to approve, by a vote of 9 to 0. The Planning and

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant, Teyie Miychelle, LLC, has requested to rezone the property generally located at 718 W. Division Street from R-SF, Single-family residential district to R-TH, Residential townhouse district and establish Conditional Overlay District No. 227.

2. Based on staff's analysis, the proposal is in general alignment with the vision and objectives of the Comprehensive Plan. ForwardSGF includes this property within the Center City Neighborhood Placetype – one of the City's two primary residential placetypes – which largely contains Springfield's oldest residential neighborhoods. Where opportunities present themselves, the Comprehensive Plan calls for the support of infill development which helps solidify the City's "missing middle" forms of housing, including duplexes. Support for the requested rezoning is based on the property's proximity to nonresidential zoning districts and land uses, the presence of higher-density multifamily districts in the vicinity of the subject property, and the site's direct frontage on a higher classification roadway. In general alignment with the Comprehensive Plan's goal to focus on development form rather than strictly on land use, the applicant has agreed to comply with the City's Affordable Housing Design Guidelines and has included this requirement as a provision of the proposed Conditional Overlay District No. 227.

3. The Affordable Housing Design Guidelines further regulate the construction of new housing in the City of Springfield, specifically providing design criteria in regard to: building location, massing, and scale; pedestrian and vehicular access; building entrances, windows, porches, and garages; architectural individuality and exterior building materials; and the placement of utilities. Generally, these criteria seek to ensure that new single-family homes or duplexes complement the surrounding housing styles, encourage an inviting and interactive streetscape, and utilize quality building designs that withstand the passage of time. The applicant has agreed to meet these criteria in full, including providing pedestrian access from the front of the future street-facing structure to existing public pedestrian infrastructure along W. Division Street and taking vehicular access from the alleyway to the south, at the rear of the property. Compliance with the architectural design elements of the guidelines will be verified by City staff during the review of a future building permit should the rezoning be approved.

4. There are no changing conditions in the area necessitating this rezoning; however, following the adoption of the new Comprehensive Plan, the City is now able to more feasibly support rezonings which increase a property's residential density based on Forward SGF's objective of providing greater access to the "missing middle" forms of housing.

5. The uses permitted by the R-TH, Residential townhouse district, are generally compatible with those permitted by the R-SF, Single-family residential district and the R-MD, Medium-density multifamily residential district, both of which largely comprise the zoning pattern in this area, with few exceptions. The applicant intends to construct a duplex on the subject property; the R-SF district permits existing duplex dwellings to be maintained if they were considered legally conforming at the time such property was zoned R-SF, and the R-MD district permits duplex dwellings by right.

6. Adequate utility, sewer, and water facilities are available to the property at this time. Neither City Utilities nor Environmental Services – Wastewater Management noted any concerns with the proposed rezoning to R-TH, though Wastewater Management has stated that a sewer impact fee will apply if the existing water meter is increased in size.

7. The proposed rezoning has been reviewed by Public Works – Traffic, who did not note any concerns about the anticipated levels of traffic which could be generated as a result of an approved rezoning at this location. No Traffic Impact Study was required for this rezoning, and there are no recent traffic counts along W. Division Street at this location to compare to. Future development will not be permitted to take access to W. Division Street, instead relying on access from the alleyway to the south. There is an existing sidewalk along this property's frontage of W. Division Street.

8. The proposed rezoning is not intended to correct an error in the application of the Article as it applies to the subject property. The proposed rezoning is at the request of the applicant, Teyie Miychelle, LLC, who intends to construct a duplex on this vacant property.

9. A reasonably viable economic use of the property would not be precluded if the rezoning were denied, as the existing R-SF zoning permits a number of land uses which could develop on the property today. The single-family home which existed on the property previously was demolished in 2018; no development activity has occurred on the site since that time.

Submitted By: Kyle McGinnis, Senior City Planner

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

Attachments:

1. Z-9-2023 w COD 227_ord
2. Z-9-2023_exhA
3. Z-9-2023_exhB
4. Z-9-2023_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 25
Filed: 05-02-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-103

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 0.20 acres of property generally located at 718 West Division Street
4 from R-SF, Single-family residential district, to R-TH, Residential
5 townhouse district, with Conditional Overlay District No. 227;
6 establishing Conditional Overlay District No. 227; and adopting an
7 updated Official Zoning Map. (Staff and Planning and Zoning
8 Commission recommend approval.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 generally located at 718 West Division Street from R-SF, Single-family residential
13 district, to R-TH, Residential townhouse district, with Conditional Overlay District No.
14 227; and
15

16 WHEREAS, Conditional Overlay District No. 227 shall modify the requirements of
17 the Springfield Land Development Code Section 36-381, R-TH, Residential townhouse
18 district, by requiring that the property described in "Exhibit A" comply with the
19 requirements described in "Exhibit C – Attachment 1;" and
20

21 WHEREAS, following proper notice, the Planning and Zoning Commission held a
22 public hearing on April 6, 2023, a copy of the Record of Proceedings from said public
23 hearing being attached hereto and incorporated herein by this reference as "Exhibit B,"
24 and said Commission made its recommendation; and
25

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

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

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

34 SPRINGFIELD, MISSOURI, as follows, that:

35
36 Section 1 – The property described in "Exhibit A," which is attached hereto and
37 incorporated herein by this reference, is hereby rezoned from R-SF, Single-family
38 residential district, to R-TH, Residential townhouse district, with Conditional Overlay
39 District No. 227. Springfield Land Development Code, Section 36-306, 'Official zoning
40 map and rules for interpretation,' is hereby amended, changed, and modified consistent
41 with this Ordinance.

42
43 Section 2 – City Council hereby establishes Conditional Overlay District No. 227,
44 which shall contain the requirements and standards provided in "Exhibit C – Attachment
45 1," which is attached hereto and incorporated herein by this reference as though set
46 forth herein. The requirements of Conditional Overlay District No. 227 shall modify the
47 requirements of the Springfield Land Development Code 36-381, R-TH, Residential
48 townhouse district, by requiring the property described in "Exhibit A" comply with the
49 requirements contained in "Exhibit C – Attachment 1."

50
51 Section 3 – City Council hereby directs the City Manager, or designee, to update
52 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
53 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
54 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
55 rules of interpretation.'

56
57 Section 4 – The Official Zoning Map herein adopted shall be maintained and
58 archived in the same digital form in which this Council has approved its adoption.

59
60 Section 5 – This Ordinance shall be in full force and effect from and after
61 passage.

62
63 Passed at meeting: _____

64
65 _____
66 Mayor

67
68 Attest: _____, City Clerk

69
70 Filed as Ordinance: _____

71
72
73 Approved as to form: Jill Burris, Assistant City Attorney

74
75
76 Approved for Council action: Jason A. Hage, City Manager

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-9-2023

ALL OF LOT (4), IN M.K. SMITH'S FOURTH ADDITION, IN THE CITY OF
SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED
PLAT THEREOF.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – April 6, 2023

Z-9-2023
718 West Division Street
Applicant: Teyie Miychelle, LLC

Mr. McGinnis stated that this is a request to rezone approximately 0.20 acres of property generally located at 718 W. Division Street from R-SF, Single-family residential district to R-TH, Residential townhouse district and establishing Conditional Overlay District No. 227. Staff recommends approval.

Mr. Knuckles asked about facing Division Street and if the lot is wide enough to face Division.

Mr. McGinnis noted that the lot does meet that requirement.

Mr. Knuckles asked about the alleyway access and will it be a requirement to improve.

Mr. Zickefoose stated that the alley is not required to be improved, however the developer may improve it.

Discussion on improvement of the alleyway went on for a time.

Mr. Colony asked if both entrances must face Division and had questions about maintenance for the alley.

Mr. McGinnis noted that there is no regulation required for both dwelling units to face Division.

Mr. Zickefoose noted that the city owns and maintains the alley.

Mr. Jobe opened the public hearing.

Mr. John Watson, 311 South Suburban Avenue, came forward to answer any questions.

Mr. Colony asked about the condition of the alley and if he will still develop despite its current state.

Mr. Watson acknowledged the state of the alleyway and will still develop.

Mr. Brett Foster noted that alleys are gray areas, and the city does not have the resources and people to maintain them.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-9-2023 w/COD #227 (718 West Division Street).

Mr. Lebeck seconded the motion. Ayes: Jobe, Broekhoven, Colony, Lebeck, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None.

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

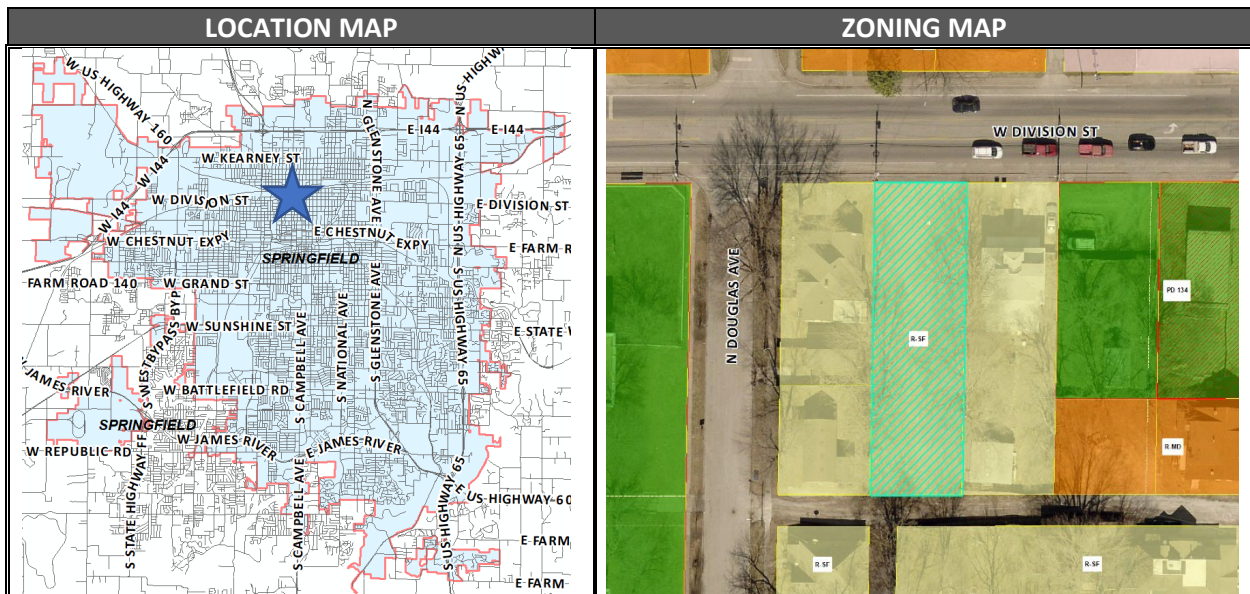
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Z-9-2023 w/ COD #227
Location:	718 W. Division Street
Total Acres:	0.20 acres
Applicant:	Teyie Miychelle, LLC
Existing Land Use:	Vacant land
Neighborhood Meeting:	March 16, 2023
Planning and Zoning Commission:	April 6, 2023
City Council:	May 8, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Kyle McGinnis, Senior Planner – (417) 864-1615
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to rezone approximately 0.20 acres of property generally located at 718 W. Division Street from R-SF, Single-family residential district to R-TH, Residential townhouse district and establishing Conditional Overlay District No. 227. The applicant, Teyie Miychelle, LLC, has requested the proposed rezoning with the intent to construct a duplex on the property.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE MAPS STREET VIEW:



PROPERTY HISTORY:

This property was zoned R-SF, Single-family residential district as part of the citywide remapping which occurred in 1995, approved via Ordinance No. 4494. The property has maintained its single-family zoning designation since that time. Based on City records, the original residential structure was considered a dangerous building and was demolished in 2018.

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;

DEVELOPMENT REVIEW STAFF REPORT

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 REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR RESIDENTIAL TOWNHOUSE
Use Limitations	(a) There shall be a separate platted lot of record for each single-family semi-detached or townhouse dwelling unit. (b) All uses shall operate in accordance with the noise standards contained in Section 36-485, Noise standards. (c) No use shall emit an odor that creates a nuisance as determined by Chapter 2A, Article X, Springfield City Code.
Lot Size Requirements	(a) Minimum lot area: 1. Single-family detached dwellings and residential group homes: 5,000 square feet. 2. Duplexes: 7,500 square feet. 3. Each single-family detached dwelling on a separate platted lot: 3,750 square feet. 4. Each townhouse on a separate platted lot: a. End lots: 4,000 square feet. b. Interior lots: 3,000 square feet. 5. All other uses: 7,500 square feet. (b) Minimum lot width: 1. Single-family detached and duplex dwellings and residential group homes: 45 feet. 2. Townhouses: a. End lots: 40 feet. b. Interior lots with driveway in front yard: 30 feet. c. Interior lots without driveway in front yard: 24 feet. 3. Single-family semi-detached dwelling units: 30 feet. 4. All other uses: 45 feet. Minimum lot depth: 80 feet
Maximum Structure Height	(a) Maximum structure height: 1. When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. 2. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Bulk Plane	Not applicable to the R-TH, Residential townhouse district.
Minimum Yard Requirements	(b) Minimum yard requirements: 1. Front yard: a. Twenty-five feet along a street classified as a collector or higher classification street or as required by Section 36-453. b. 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).

DEVELOPMENT REVIEW STAFF REPORT

	c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with Section 36-363, conditional use permits, or with an approved preliminary plat in accordance with the City's subdivision regulations. 2. Side yards: a. Townhouses: Six feet or as required by Section 36-453, Supplemental open space and yard regulations, provided that no side yard is required for a townhouse or attached single-family dwelling when a common wall is located on the lot line. b. All other uses: Five feet. 3. Rear yard: Ten percent of the lot depth (80 feet) but may not be less than ten feet nor will more than 20 feet be required. However, in no event may a structure be erected closer than 50 feet to the centerline of the existing right-of-way of W. Division Street, based on its classification as a Primary Arterial roadway.
Minimum Open Space	(c) Not less than 20% 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. (d) Maximum impervious area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total lot area unless modified in accordance with subsection 36-482 (15).
Design Requirements	(8) Design requirements. (a) A site plan meeting the requirements of Section 36-360, Site plan review, shall be submitted and approved for all uses except single-family detached dwellings. (b) A plot plan meeting the requirements of subsection 36-331 (3) shall be submitted and approved for all single-family detached dwellings. (c) A landscaping plan meeting the requirements of Section 36-482, Landscaping and bufferyards, and 36-483, Off-street parking and loading area design standards, shall be submitted and approved for all uses except single-family detached dwellings. (d) Storage of maintenance or other equipment incidental to any permitted or conditional use except a single-family detached, duplex, and single-family semi-detached dwellings shall be screened from view in accordance with the provisions of Section 36-480, Screening and fencing. (e) The maximum length of any cluster of townhouse dwelling units shall not exceed six units, or 200 linear feet. (f) Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal and vertical surface. There shall be

DEVELOPMENT REVIEW STAFF REPORT

	no more than two continuous townhouse dwelling units without break in the horizontal and vertical elevations of at least three feet. (g) All off-street parking lots for permitted nonresidential uses shall be screened from all residential uses in accordance with the provisions of Section 36-480, Screening and fencing. (h) Refuse storage areas for permitted nonresidential uses shall be screened from view in accordance with Section 36-480, Screening and fencing. (i) Required front yards shall be landscaped with grass, ground cover, plants, shrubs or trees. Decorative landscaping materials such as rock, bark and mulch are also permitted. Impervious surfaces in required front yard shall be minimized and, unless otherwise meeting the provisions of subsection 36-483 (2), shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular driveways are permitted if sufficient frontage is available and if approved by the traffic engineer. (j) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with Section 36-480, Screening and fencing. (k) Accessory buildings and structures shall meet the requirements of Section 36-450, Accessory structures and uses.
Buffering and Landscaping	(9) Bufferyard requirements. Whenever any development in an R-TH district is located adjacent to a different zoning district or a nonresidential use in the R-TH district is located adjacent to a residential use in the R-TH district, screening, and a bufferyard shall be provided in accordance with Sections 36-480, Screening and fencing, and 36-482, Landscaping and bufferyards. Based on the proposed use of the property (duplex) and the zoning of the adjacent properties (R-SF district), no bufferyard landscaping would be required. Should the proposed land use change, staff would evaluate the need for a bufferyard based on the scope of the new proposal.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The City's *Comprehensive Plan, ForwardSGF*, placed this property within the Center City Neighborhood Placetype. This placetype contains Springfield's oldest residential areas, typically constructed prior to WWII and reflecting the development trends at the time: single-family detached dwellings of differing architectural styles located on parcels of varying sizes and built with inconsistent setbacks throughout. Per Chapter 5, Land Use & Development, and Chapter 7, Housing & Neighborhoods, of the *Comprehensive Plan*, infill development within these neighborhoods should seek to make such neighborhoods more "complete." A complete neighborhood is one which provides access to those goods and services needed throughout one's daily life – including a variety of housing options, commercial services, and civic amenities, amongst other indicators of a quality community – built at a scale and with accompanying infrastructure which supports active forms of transportation and the use of public transit, in addition to personal vehicles.

DEVELOPMENT REVIEW STAFF REPORT

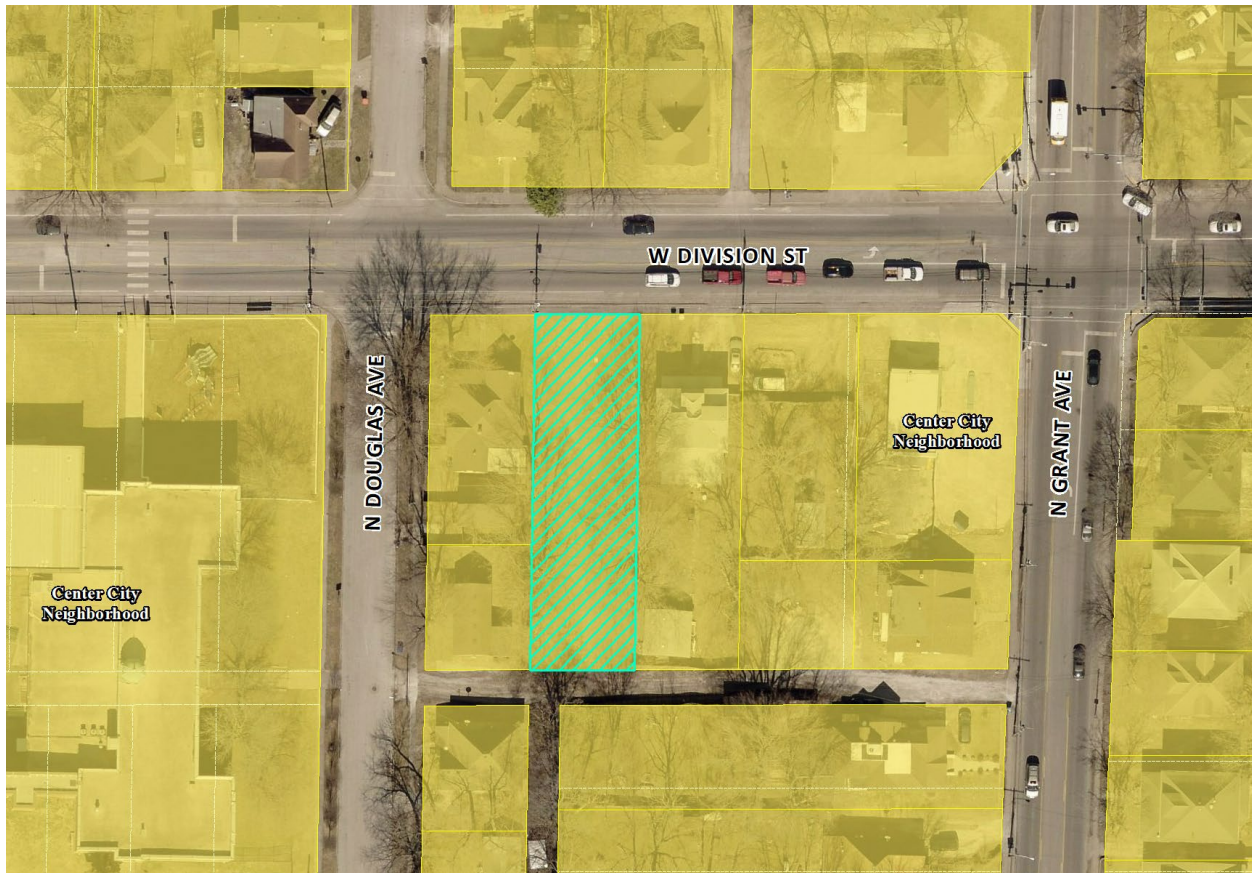
Where opportunities for infill present themselves, the *Comprehensive Plan* calls for the support of the “missing middle” forms of housing – or those styles of housing between single-family detached dwellings and mid- to high-rise apartments, ranging from duplexes to mixed use development. Consideration of such infill proposals should be taken on a case-by-case basis, using site-specific context to determine the appropriateness of such infill on a given property. *ForwardSGF* notes that those properties located along neighborhood corridors and near neighborhood-serving commercial nodes are most appropriate for infill where increased residential density is desired. Where conflicts in land use occur, the *Comprehensive Plan* calls for gradual transitions in land use, insulating areas of single-family detached dwellings from commercial uses through areas of increased residential density. All throughout, infill development is meant to utilize architectural articulation and thoughtful siting to produce development which complements, enhances, and protects a neighborhood’s visual aesthetic and quality of place.

The subject property, located three parcels west of the intersection of W. Division Street and N. Grant Avenue, fronts directly on W. Division Street, a Primary Arterial roadway. Several nonresidential zoning districts and land uses are present in the immediate vicinity: Planned Development No. 134, at the southwest corner of W. Division Street and N. Grant Avenue, permits a mix of nonresidential uses and a range of residential housing types limited to a maximum of 11 dwelling units per acre; 1503 N. Grant Avenue, at the northwest corner of the intersection of N. Grant Avenue and W. Division Street, is zoned LB, Limited business district; and to the west, Planned Development No. 299, 1st Amendment, located at 1461 N. Douglas Avenue, permits those uses allowed within the R-SF, Single-family residential district, and contains Springfield Public Schools’ Weaver Elementary School. In addition, many of the properties located nearby and used for residential purposes are zoned R-MD, Medium-density multifamily residential district, which permits residential densities up to a maximum of 29 dwelling units per acre.

Based on the R-TH, Residential townhouse district’s compatibility with the Center City Neighborhood Placetype, the presence of higher-density residential zoning in the area, the subject property’s proximity to nonresidential zoning districts and land uses, and the site’s direct frontage on a higher classification roadway, the proposed rezoning is in general alignment with the vision and objectives of the City’s *Comprehensive Plan*.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:



PLACETYPES	LAND USES															
	Single-Family Detached	Single-Family Attached	Multi-Family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office, Hospitality, Retail Sales & Service	Neighborhood Commercial	Maker, Artisan & Innovation Spaces	Public & Private Schools & Places of Worship	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehousing & Distribution Facilities	Heavy Industry & Manufacturing
Residential Neighborhood	●	○	◇	○	◇	◇	○	○	○	○	○	○	○	○	○	○
Mixed Residential	●	●	○	○	◇	◇	○	○	○	○	○	○	○	○	○	○
Downtown	●	●	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

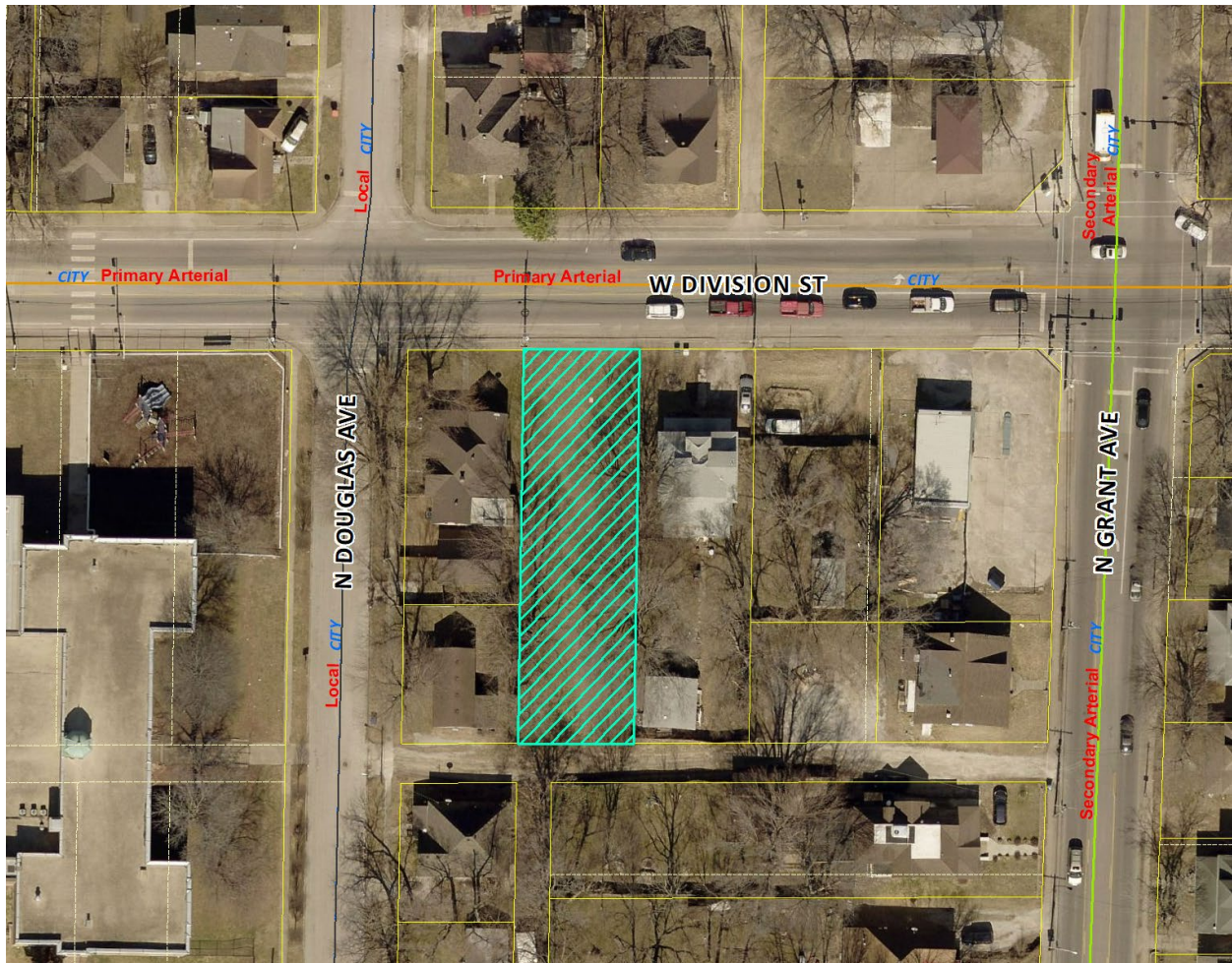
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **Supporting Land Use:**
Less prevalent and serve to support the primary land use.

◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-MD	R-SF	R-SF	R-SF
LAND USE	Single-family dwellings	Single-family dwellings	Single-family dwelling	Single-family dwellings
PLACETYPES	Center City Neighborhood	Center City Neighborhood	Center City Neighborhood	Center City Neighborhood

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No issues with the proposed rezoning.
2. CITY UTILITIES:
No issues with the proposed rezoning.

DEVELOPMENT REVIEW STAFF REPORT

3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objections to the rezoning. Public sewer is available to the subject property. Additional sewer impact fees will be required if increasing the size of the water meter.

4. FIRE DEPARTMENT:

No issues with the proposed rezoning.

5. 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 for the proposed rezoning. Please note that development of the property will be subject to the following conditions at the time of development:

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

Detention Requirements:

- a. The property is approximately 0.20 acres of undeveloped area and is not in a subdivision with a planned regional basin. At the time of development, the stormwater effects on the local storm sewer will need to be determined for a fee in-lieu-of detention.
 - i. 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.

Water Quality Requirements:

- a. 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 acre or greater. Including projects less than one acre that are part of a larger common plan of development or sale that will disturb one or more acres of the life of the project. Chapter 10 Sec. 2.0.

Additional Stormwater Standards to be met:

- a. A land disturbance permit will be required with disturbing one acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.

DEVELOPMENT REVIEW STAFF REPORT

- b. As-builts of the detention and water quality improvements are required. We would like the following as-built notes on the plans:
 - i. 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 measures.
- c. 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.
- d. 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.
 - i. Existing gravel surfaces meeting the above definition are eligible for 50% credit.

6. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:

Street Classification, Right-Of-Way, and Jurisdiction:

City's Transportation Plan classifies W. Division Street as a Primary Arterial roadway. The standard right-of-way width from the centerline of W. Division Street is 50 feet. It appears that additional right-of-way is needed along W. Division Street. A survey is recommended to determine the exact of existing right-of-way. W. Division Street is a city-maintained street.

Traffic Counts & On-Street Parking:

There are no recent traffic counts for W. Division Street. On-street parking is not allowed along W. Division Street.

Driveway Access:

There is currently no driveway access point onto the property from W. Division Street. No direct access to this property will be allowed to W. Division Street based on existing City of Springfield standards for the street classification. All access to this property will need to come from the alley.

Sidewalk:

There is existing sidewalk along the property frontage of W. Division Street.

Trails, Bus Stops, and Additional Information:

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

Improvements:

No improvements are required for this rezoning. A Traffic Impact Study is not required.

DEVELOPMENT REVIEW STAFF REPORT

Traffic – Table 1: Rezoning Details

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	W. Division Street	Primary Arterial	No	30	50
Street 2	-	-	-	-	-

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant, Teyie Miychelle, LLC, has requested to rezone the property generally located at 718 W. Division Street from R-SF, Single-family residential district to R-TH, Residential townhouse district and establish Conditional Overlay District No. 227.
2. Based on staff's analysis, the proposal is in general alignment with the vision and objectives of the *Comprehensive Plan*. *ForwardSGF* included this property within the Center City Neighborhood Placetype – one of the City's two primary residential placetypes – which largely contains Springfield's oldest residential neighborhoods. Where opportunities present themselves, the *Comprehensive Plan* calls for the support of infill development which help solidify the City's "missing middle" forms of housing, including duplexes. Support for the requested rezoning is based on the property's proximity to nonresidential zoning districts and land uses, the presence of higher-density multifamily districts in the vicinity of the subject property, and the site's direct frontage on a higher classification roadway. In general alignment with the *Comprehensive Plan*'s goal to focus on development form rather than strictly on land use, the applicant has agreed to comply with the City's Affordable Housing Design Guidelines and has included this requirement as a provision of the proposed Conditional Overlay District No. 227.
3. The Affordable Housing Design Guidelines further regulate the construction of new housing in the City of Springfield, specifically providing design criteria in regard to: building location, massing, and scale; pedestrian and vehicular access; building entrances, windows, porches, and garages; architectural individuality and exterior building materials; and the placement of utilities. Generally, these criteria seek to ensure that new single-family homes or duplexes complement the surrounding housing styles, encourage an inviting and interactive streetscape, and utilize quality building designs that withstand the passage of time. The applicant has agreed to meet these criteria in full, including providing pedestrian access from the front of the future street-facing structure to existing public pedestrian infrastructure along W. Division Street and taking vehicular access from the alleyway to the south, at the rear of the property. Compliance with the architectural design elements of the guidelines will be verified by City staff during the review of a future building permit should the rezoning be approved.
4. There are no changing conditions in the area necessitating this rezoning; however, following the adoption of the new *Comprehensive Plan*, the City is now able to more feasibly support

DEVELOPMENT REVIEW STAFF REPORT

rezonings which increase a property's residential density based on *ForwardSGF's* objective of providing greater access to the "missing middle" forms of housing.

5. The uses permitted by the R-TH, Residential townhouse district are generally compatible with those permitted by the R-SF, Single-family residential district and the R-MD, Medium-density multifamily residential district, both of which largely comprise the zoning pattern in this area, with few exceptions. The applicant intends to construct a duplex on the subject property; the R-SF district permits existing duplex dwellings to be maintained if they were considered legally conforming at the time such property was zoned R-SF, and the R-MD district permits duplex dwellings by right.
6. Adequate utility, sewer, and water facilities are available to the property at this time. Neither City Utilities nor Environmental Services – Wastewater Management noted any concerns with the proposed rezoning to R-TH, though Wastewater Management has stated that a sewer impact fee will apply if the existing water meter is increased in size.
7. The proposed rezoning has been reviewed by Public Works – Traffic, who did not note any concerns with the anticipated levels of traffic which could be generated as a result of an approved rezoning at this location. No Traffic Impact Study was required for this rezoning, and there are no recent traffic counts along W. Division Street at this location to compare to. Future development will not be permitted to take access to W. Division Street, instead relying on access from the alleyway to the south. There is an existing sidewalk along this property's frontage of W. Division Street.
8. The proposed rezoning is not intended to correct an error in the application of the Article as it applies to the subject property. The proposed rezoning is at the request of the applicant, Teyie Miychelle, LLC, who intends to construct a duplex on this vacant property.
9. A reasonably viable economic use of the property would not be precluded if the rezoning were denied, as the existing R-SF zoning permits a number of land uses which could develop on the property today. The single-family home which existed on the property previously was demolished in 2018; no development activity has occurred on the site since that time.

STAFF RECOMMENDATION:

1. Based on the proposal's compliance with the *Comprehensive Plan's* Center City Neighborhood Placetype, staff recommends approval of the proposed rezoning from the R-SF, Single-family residential district to the R-TH, Residential townhouse district at this location.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification.
2. Recommend a change in the zoning district classification.

DEVELOPMENT REVIEW STAFF REPORT

3. Recommend a change in the zoning district classification together with recommendations which, in the judgment of the planning and zoning commission, will protect adjacent property and ensure that the proposed amendment is consistent with the purpose and intent of this article.

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ATTACHMENT 1 CONDITIONAL OVERLAY DISTRICT NO. 227 PROVISIONS

The requirements of Section 36-381, R-TH, Residential townhouse district of the Land Development Code shall be modified as set forth herein for development within this district:

1. All future residential construction shall comply with the City of Springfield's Affordable Housing Design Guidelines.

ATTACHMENT 2

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

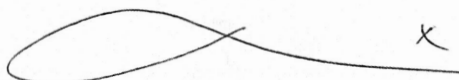
1. Request change to zoning from: Residential (existing zoning) to Residential/TownHome (proposed zoning)
2. Meeting Date & Time: March 14th, 2023 4:00-6:30pm
3. Meeting Location: The Library Station - Mustang Room
4. Number of invitations that were sent: 173
5. How the mailing list was generated: Provided by city staff
6. Number of neighbors in attendance (attach a sign-in sheet): Nobody showed up
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).

Nobody showed up.

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

Nobody showed up.

I, John Watson (print name), attest that the neighborhood meeting was held on 03/14/2023 (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

John Watson

Printed name of person completing affidavit



EXPLANATION TO COUNCIL BILL 2023-104 (MCGULL)

FILED: 05/10/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 9.45 acres of property generally located within the 2200 block of North Belcrest Avenue from HM, Heavy manufacturing district, with Conditional Overlay District No. 163 to HC, Highway commercial district, with Conditional Overlay District No. 226; establishing Conditional Overlay District No. 226; and adopting an updated Official Zoning Map. (By: SFC Real Estate LLC; 2202 N. Belcrest Avenue; Z-5-2023 w/COD #226.)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 9.45 acres of property generally located within the 2200 block of N. Belcrest Avenue from HM, Heavy manufacturing district with Conditional Overlay District No. 163 to HC, Highway commercial district and establishing Conditional Overlay District No. 226. (Planning and Zoning Commission and staff recommend approval.)

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-5-2023 W/ COD No. 226:

Following the Planning & Zoning Commission public hearing held on March 9, 2023, City staff discovered erroneous language within the proposed Conditional Overlay District No. 226. This language includes the latter half of the introductory statement of the provisions, "...and the rezoning contemplated by this Ordinance shall not be effective until the occurrence of the following conditions." After a review by the Law Department, City staff determined that the language within the introductory statement must be struck from the Conditional Overlay District entirely. On April 3, 2023, the City Council voted to remand this item back to the Planning and Zoning Commission for reconsideration following the removal of the erroneous language.

On April 6, 2023, the Planning and Zoning Commission held a second public hearing for this item to reconsider the proposal without the aforementioned erroneous Conditional Overlay District language. All other aspects of the proposal remained unchanged from the original presentation given at the March 9, 2023, public hearing. The applicant, SFC Real Estate LLC, has requested to rezone this property to the HC, Highway commercial district to permit the development of a new consumer vehicle retailer with associated vehicular maintenance. The proposed Conditional Overlay District No. 226 would require the construction of a cul-de-sac at the south end of N. Belcrest Avenue, from which the property will take access, as well as the completion of

a subdivision following the current Subdivision Regulations.

REMARKS: The Planning and Zoning Commission held a public hearing on April 6, 2023, and recommended to approve, by a vote of 9 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant, SFC Real Estate LLC, has requested to rezone this vacant property from HM, Heavy manufacturing district with Conditional Overlay District No. 163 to HC, Highway commercial district and establish Conditional Overlay District No. 226 with the intent to develop an automotive retail and maintenance land use.
2. Per Section 36-310, Establishment of use groups, the retail sales use group includes, "...the sale or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles if outdoor activities are permitted by the district." The retail sales use group and automobile service garages are permitted uses within the HC, Highway commercial district, in accordance with subsection 36-422 (2), provided all motor vehicle repair or maintenance activity which occurs outdoors is located further than 150 feet from the district boundary of any residential district (subsection 36-422 (4)). This use limitation is generally not applicable to the subject site given the absence of residential districts in the immediate vicinity of the area to be rezoned.
3. The subject site is located within the Industry & Logistics Placetype per the Land Use & Development chapter of the Comprehensive Plan. While this Placetype is predominately comprised of moderate to heavy manufacturing and distribution uses, supporting uses, including retail sales and services, are encouraged along secondary roadways and around the periphery of the Placetype. Access to the subject site will be limited to N. Belcrest Avenue, a non-residential local roadway, therefore meeting the first criteria encouraging access away from major roadways within the Placetype. The subject site is located within the periphery of the Placetype as well, bordering U.S. Highway 65 to the east. In addition to these criteria, the subject site borders an established automotive retailer to the north, providing an opportunity to further supplement the land use patterns which have developed in this area in recent years.
4. Conditional Overlay District No. 226 ("Exhibit C, Attachment 1") has been proposed as part of this request. This Conditional Overlay District will not limit the use or design of future development in this district.
5. The proposed Highway commercial district and Conditional Overlay District No. 226 zoning district classification is consistent with the Springfield Comprehensive Plan. The subject area was included in the Industry & Logistics Placetype, which

supports retail and other supporting commercial activities along the periphery of the placetype. Such commercial activity would be permitted via the Highway commercial district and Conditional Overlay District No. 226.

6. There are changing conditions in the area affected that make the proposed rezoning necessary. The property owner intends to construct a new facility for the retail sale of consumer vehicles, similar to the automotive retailer located north of this property along E. Kearney Street, which was rezoned to the Highway commercial district in 1995 as part of the citywide remapping which occurred that year. Furthermore, the adoption of the new Comprehensive Plan and its placetypes loosens the focus on strict zoning districts and instead encourages a mix of zoning districts (and, by extensions, land uses) that together form a cohesive and distinct sense of place. The Industry & Logistics Placetype is intended to provide space for manufacturing and distribution uses, with allowances for complementary commercial uses along the periphery of the placetype when located off of lower classification streets.
7. The range of uses in the proposed Highway commercial district and Conditional Overlay District No. 226 are compatible with the uses permitted on other property in the immediate vicinity. As stated above, the property north of the subject area is already zoned Highway commercial district in 1995 and was developed into a consumer vehicle retailer in 2021.
8. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned. Per the reviews provided by City Utilities and Environmental Services – Wastewater Management, no public extensions of services are necessary to serve the proposal area.
9. The impact the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic, or reduce traffic safety in the vicinity. While Public Works – Traffic has noted that there are no recent traffic counts for N. Belcrest Avenue, they have not expressed concerns with the traffic counts anticipated to be generated should this rezoning occur.
10. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
11. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted By: Kyle McGinnis, Senior City Planner

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

Attachments:

1. Z-5-2023 COD 226_ord
2. Z-5-2023 COD 226_exhA

3. Z-5-2023 COD 226_exhB
4. Z-5-2023 COD 226_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 26
Filed: 05-02-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-104

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 9.45 acres of property generally located within the 2200 block of
4 North Belcrest Avenue from HM, Heavy manufacturing district, with
5 Conditional Overlay District No. 163, to HC, Highway commercial
6 district, with Conditional Overlay District No. 226; establishing
7 Conditional Overlay District No. 226; and adopting an updated
8 Official Zoning Map. (Planning and Zoning Commission and staff
9 recommend approval.)
10 _____
11

12 WHEREAS, an application has been filed for a zoning change of the property
13 generally located within the 2200 block of North Belcrest Avenue from HM, Heavy
14 manufacturing district, with Conditional Overlay District No. 163, to HC, Highway
15 commercial district, with Conditional Overlay District No. 226; and
16

17 WHEREAS, Conditional Overlay District No. 226 shall modify the requirements of
18 the Springfield Land Development Code Section 36-422, HC, Highway commercial
19 district, by requiring that the property described in "Exhibit A" comply with the
20 requirements described in "Exhibit C – Attachment 1;" and
21

22 WHEREAS, following proper notice, the Planning and Zoning Commission held a
23 public hearing on March 9, 2023, a copy of the Record of Proceedings from said public
24 hearing being attached hereto as part of "Exhibit B," which exhibit is incorporated herein
25 in its entirety by this reference, and said Commission recommended approval of the
26 rezoning; and
27

28 WHEREAS, at the April 3, 2023, City Council meeting, City staff requested that
29 City Council refer this item back to the Planning and Zoning Commission to consider
30 striking language erroneously included within the proposed Conditional Overlay District
31 No. 226 provisions, and City Council voted in favor of this referral back to the Planning
32 and Zoning Commission; and
33

34 WHEREAS, the Planning and Zoning Commission held a second public hearing
35 on April 6, 2023, a copy of the Record of Proceedings from said public hearing being
36 attached hereto as part of "Exhibit B," and said Commission recommended approval of
37 the rezoning without the erroneous language; and

38
39 WHEREAS, the City has reviewed the applicant's request and prepared a staff
40 report concerning the application, which is attached hereto and incorporated herein by
41 this reference as "Exhibit C;" and

42
43 WHEREAS, proper notice was given of a public hearing before City Council, and
44 said hearing was held in accordance with the law.

45
46 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
47 SPRINGFIELD, MISSOURI, as follows, that:

48
49 Section 1 – The property described in "Exhibit A," which is attached hereto and
50 incorporated herein by this reference, is hereby rezoned from HM, Heavy manufacturing
51 district, with Conditional Overlay District No. 163, to HC, Highway commercial district,
52 with Conditional Overlay District No. 226. Springfield Land Development Code, Section
53 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed,
54 and modified consistent with this Ordinance.

55
56 Section 2 – City Council hereby establishes Conditional Overlay District No. 226,
57 which shall contain the requirements and standards provided in "Exhibit C – Attachment
58 1," which is attached hereto and incorporated herein by this reference as though set
59 forth herein. The requirements of Conditional Overlay District No. 226 shall modify the
60 requirements of the Springfield Land Development Code Section 36-422, HC, Highway
61 commercial district, by requiring the property described in "Exhibit A" comply with the
62 requirements contained in "Exhibit C – Attachment 1."

63
64 Section 3 – City Council hereby directs the City Manager, or designee, to update
65 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
66 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
67 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
68 rules of interpretation.'

69
70 Section 4 – The Official Zoning Map herein adopted shall be maintained and
71 archived in the same digital form in which this Council has approved its adoption.

72
73 Section 5 – This Ordinance shall be in full force and effect from and after
74 passage.

75
76 Passed at meeting: _____

77
78 _____
79 Mayor

80 Attest: _____, City Clerk

81

82 Filed as Ordinance: _____

83

84 Approved as to form: Jill Bunn, Assistant City Attorney

86

87 Approved for Council action: Jason C. Hays, City Manager

88

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-5-2023 W/ COD #226

A parcel of land being a part of Lot 1, of Morris Industrial Park Phase One, a subdivision recorded in Plat Book AAA at Page 582, in the Greene County Recorder's Office in the City of Springfield, Greene County, Missouri, being more particularly described as follows:

BEGINNING at the Northeast corner of said Lot 1, said point being on the West Right-of-Way line of US Highway 65, as it now exists; thence along said West Right-of-Way line the following three (3) courses: 1) S11°08'27"E (S11°19'49"E Plat), a distance of 27.70 feet (27.82' Plat); 2) S02°17'33"W (S02°17'42"W Plat), a distance of 350.29 feet (350.37' Plat); 3) S12°25'16"W (S12°25'10"W Plat), a distance of 142.26 feet; thence N87°06'48"W, a distance of 666.43 feet; thence S01°50'45"W, a distance of 21.27 feet; thence N87°06'48"W, a distance of 829.16 feet to a point on an existing public access easement recorded in Book 2020 at Page 001996-20; thence along said access easement and along a non-tangent curve to the left having a radius of 75.00 feet, an arc length of 38.19 feet, a central angle of 29°10'39" and a chord distance of 37.78 feet which bears N20°33'02"E, to a point on the Northerly line of said Lot 1; thence along said Northerly line the following three (3) courses: 1) S87°06'48"E (S87°07'18"E Plat), a distance of 767.33 feet; 2) N01°50'45"E (N01°50'15"E Plat), a distance of 503.04 feet (503.12' Plat); 3) S87°05'38"E (S87°05'41"E Plat), a distance of 738.76 feet (738.77' Plat) to the POINT OF BEGINNING.

Containing 9.450 acres, more or less, and subject to any rights-of-way, easements, and restrictions of record.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – April 6, 2023

Z-5-2023 w/COD #226
2202 North Belcrest Avenue
Applicant: SFC Real Estate, LLC

Remanded back by City Council.

Mr. McGinnis stated that this is a request to rezone approximately 9.45 acres of property generally located within the 2200 block of N. Belcrest Avenue from HM, Heavy manufacturing district with Conditional Overlay District No. 163 to HC, Highway commercial district and establishing Conditional Overlay District No. 226.

Mr. McGinnis noted the original COD included erroneous language that was struck as part of the remanding, and the resulting COD language was being presented. All other aspects of the proposed remain unchanged. Staff recommends approval.

Mr. Jobe opened the public hearing.

Mr. Ricky Haase, 550 E. St. Louis, came forward to answer any questions. There were none.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-5-2023 w/COD #226 (2202 North Belcrest Avenue). Mr. Pauly seconded the motion. Ayes: Jobe, Broekhoven, Colony, Lebeck, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None.



Bob Hosmer, AICP
Planning Manager

Planning and Zoning Commission – March 9, 2023

Z-5-2023 w/COD #226

2202 North Belcrest Avenue

Applicant: SFC Real Estate, LLC

Mr. McGinnis stated that this is a request to rezone approximately 9.45 acres of property generally located within the 2200 block of N. Belcrest Avenue from HM, Heavy manufacturing district with Conditional Overlay District No. 163 to HC, Highway commercial district and establishing Conditional Overlay District No. 226. Staff recommends approval.

Mr. McGinnis noted that one of the existing zoning districts was not properly listed and was corrected and a new staff report was presented.

Mr. Colony asked if it was a brownfields site? Mr. McGinnis is not aware of any but could ask the developer.

Mr. Dan Scott asked about the access and extension to the Belcrest right-of-way and Mr. McGinnis noted that it is a future cul-de-sac.

Mr. Knuckles opened the public hearing.

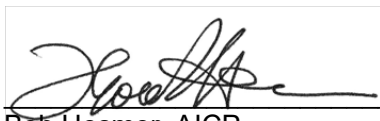
Mr. Ricky Haase, 550 E. St. Louis Street here on behalf of the developer and neighborhood comments were about traffic and layout of the site. There was a traffic study done just recently and has submitted a replat and will be in coordination with Fish and Wildlife Departments and the Corps of Engineers.

Mr. Knuckles closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-5-2023 w/COD #226 (2202 North Belcrest Avenue).

Mr. Lebeck seconded the motion. Ayes: Knuckles, Colony, Lebeck, Pauly, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Jobe and Broekhoven



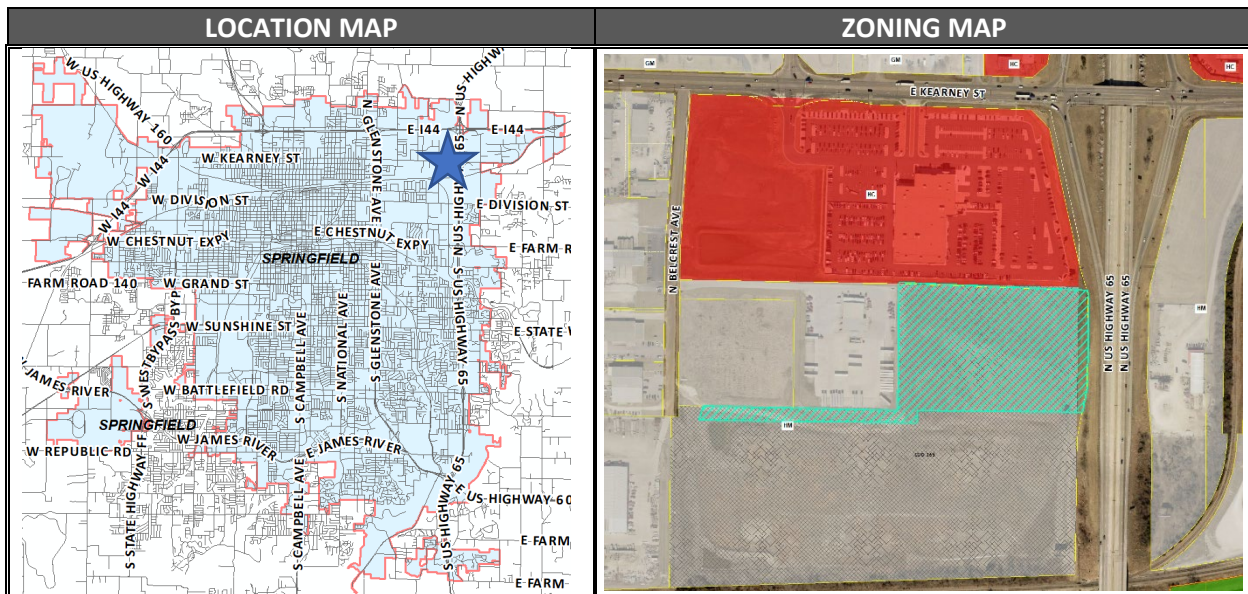
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Z-5-2023 w/COD #226
Location:	2202 N. Belcrest Avenue
Total Acres:	9.45 acres
Applicant:	SFC Real Estate LLC
Existing Land Use:	Vacant land
Neighborhood Meeting:	February 16, 2023
Planning and Zoning Commission:	April 6, 2023
City Council:	May 8, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Kyle McGinnis
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to rezone approximately 9.45 acres of property generally located within the 2200 block of N. Belcrest Avenue from HM, Heavy manufacturing district with Conditional Overlay District No. 163 to HC, Highway commercial district and establishing Conditional Overlay District No. 226.



This aerial map of Springfield, MA, highlights the proposed location for the Springfield Mall with a large yellow star. The site is situated in a commercial area, bounded by North Main Ave to the west, Northampton Ave to the east, and North Main Ave to the south. The map shows surrounding commercial areas, parking lots, and roads like U.S. Rt 66 and Schoolcraft Ave. Key landmarks include the Springfield Mall site, the Springfield Mall site, and the Springfield Mall site.

DEVELOPMENT REVIEW STAFF REPORT

GOOGLE MAPS STREET VIEW:



As viewed from N. Belcrest Avenue

PROPERTY HISTORY:

The property within which the subject area is contained was split-zoned HM, Heavy manufacturing district (south 25 acres fronting railroad right-of-way) and HC, Highway commercial district (north eight acres fronting U.S. Highway 65) in 1995 as part of the city-wide mapping approved via Ordinance No. 4494. In late 2018, a proposal came before City Council to rezone the entire 33-acre property to HM, Heavy manufacturing district and to establish Conditional Overlay District No. 163. The rezone request was processed concurrently with a Preliminary Plat for Morris Industrial Park Phase One, and both the rezone request and Preliminary Plat were approved by City Council in late January 2019. The Final Plat was approved by the Director of Planning & Development in February 2019. The property has since remained undeveloped.

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;

DEVELOPMENT REVIEW STAFF REPORT

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 REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR HIGHWAY COMMERCIAL
Use Limitations	(a) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors. (b) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district. (c) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface. (d) All uses shall operated in accordance with the noise standards contained in Section 36-485, Noise standards. (e) No use shall emit an odor that creates a nuisance as determined by Chapter 2A, Article X, Springfield City Code. (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303 (22).
Minimum Lot Size	Not applicable to the HC, Highway commercial district.
Maximum Height	Not applicable to the HC, Highway commercial district.
Bulk Plane	All structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts (generally unapplicable to the subject site).
Minimum Yard Requirements	Front yards – 25 feet when fronting on a street classified as collector or higher, or as required by Section 36-453, Supplemental open space and yard regulations. 15 feet when fronting a street classified as local, or as required by Section 36-453. The front yard setback may be reduced below the minimum required above if a Conditional Use Permit is approved in accordance with Section 36-363, Conditional use permits, or if a preliminary plat is approved in accordance with the City's subdivision regulations.

DEVELOPMENT REVIEW STAFF REPORT

	Side yards – None, except as required by Section 36-453 and the bufferyard requirements contained in Section 36-482, Landscaping and bufferyards. Rear yards – None, except as required by the bufferyard requirements contained in Section 36-482.
Minimum Open Space	Not less than 20 percent of the gross site area shall be devoted to open space, including required yards and bufferyards unless modified in accordance with subsection 36-482 (15). Open space shall not include areas covered by buildings, structures, parking, storage, loading and other paved areas and internal streets or areas containing plants for display and sale. Open space shall contain living ground cover and other landscaping materials.
Design Requirements	(a) A site plan, meeting the requirements of Section 36-360, Site plan review, shall be submitted and approved. (b) A landscape plan, meeting the requirements of Sections 36-482 and 36-483, Off-street parking and loading design standards, shall be submitted and approved. (c) Off-street parking and vehicular use areas shall be screened from all residential uses, in accordance with Section 36-480, Screening and fencing. (d) Refuse storage areas shall be screened from view in accordance with Section 36-480. (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with Section 36-480. (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with Section 36-484, Lighting standards. (g) Accessory buildings and structures shall meet the requirements of Section 36-450, Accessory structures and uses.
Buffering and Landscaping	Future development must comply with the interior and perimeter landscaping requirements, as applicable to a future site plan, per subsections 36-482 (9) (a) and (b), unless the property owner opts to utilize the point system described in subsection 36-482 (10) instead. Based on the proposed zoning for the subject area and the zoning of its neighbors, no bufferyard landscaping will be required.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The project area is located within the Industry & Logistics placetype, which encompasses all of the property located within City Limits south of Interstate 44, north of E. Division Street, and east of N. Packer Road (see the Future Placetype Map on page 4 for reference). Per the *Land Use & Development* chapter of the *Comprehensive Plan*, this placetype primarily consists of, "...heavy and moderately intense manufacturing, distribution uses, and a range of operations

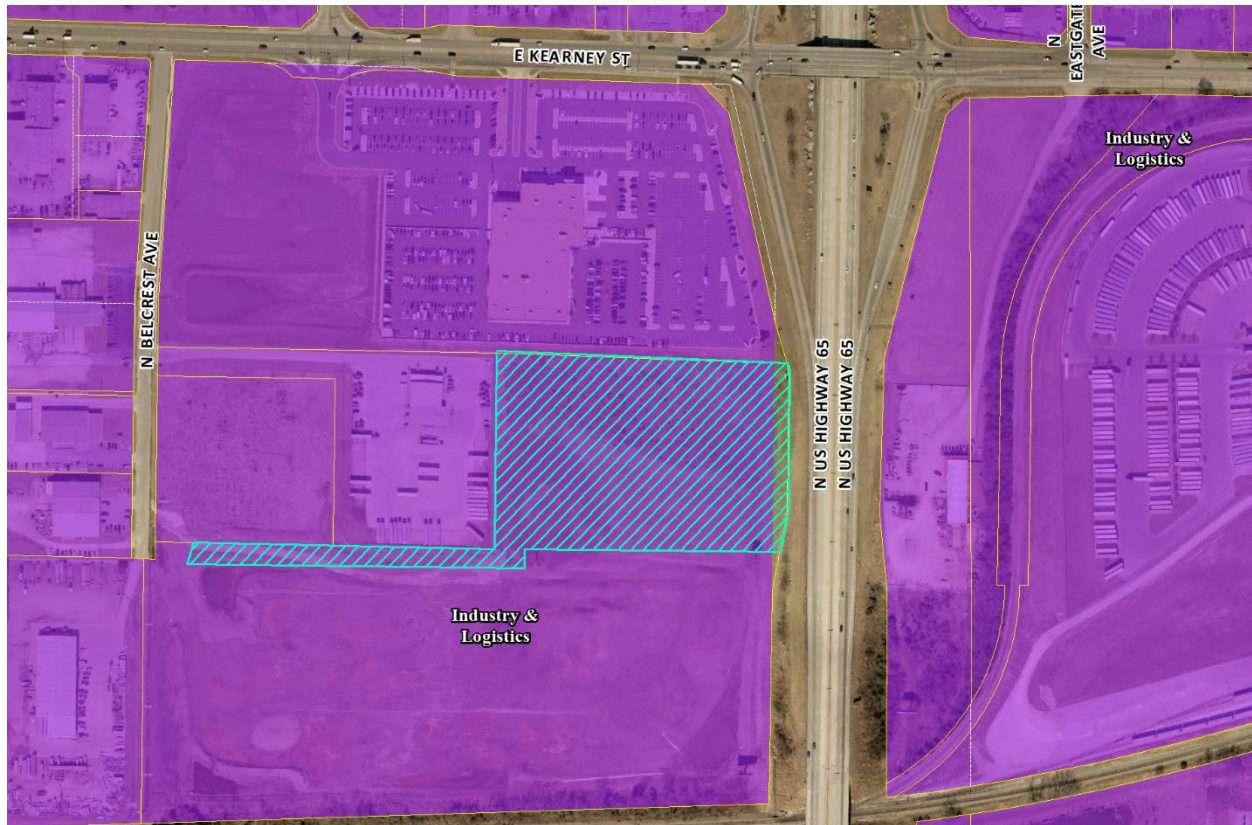
DEVELOPMENT REVIEW STAFF REPORT

that rely on proximity to the City's airport, interstate, and rail facilities." Based on these primary functions, this placetype also accommodates other activities typically associated with industry and manufacturing, including outdoor activity involving storage or parking of vehicles and equipment.

Placetypes are not as rigid as zoning districts and allow for supporting or ancillary uses which complement and enhance its sense of place; as an extension of this, a single placetype is not likely to be defined by a single zoning district or even a collection of closely related zoning districts (e.g. industrial districts), but rather a mix of tangentially related zoning districts which together form a cohesive sense of place when developed with similar character, scale, and form. The Industry & Logistics placetype allows for certain supporting uses which complement the placetype's primary industrial or manufacturing uses, including office, hospitality, retail sales and service uses, universities, colleges, and vocational schools, and government, healthcare, and institutional uses, to name a few. As a result, this placetype should include a mix of industrial zones complemented by office or commercial zones where deemed suitable. The HC, Highway commercial district, the City's most intense commercial district, which allows for a variety of commercial uses and outdoor activities, is a suitable match for the Industry & Logistics placetype.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:



PLACETYPES	LAND USES														
	Single-Family Detached	Single-Family Attached	Multi-family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office, Hospitality, Retail Sales & Service	Neighborhood Commercial	Maker, Artisan & Innovation Spaces	Public & Private Schools & Places of Worship	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehouse & Distribution Facilities
Residential Neighborhood	●	○	◇	○	◇	◇	○	○	○	○	○	○	○	○	○
Mixed Residential	●	●	○	○	◇	◇	○	○	○	○	○	○	○	○	○
Downtown	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Mixed-Use	○	○	●	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	●	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

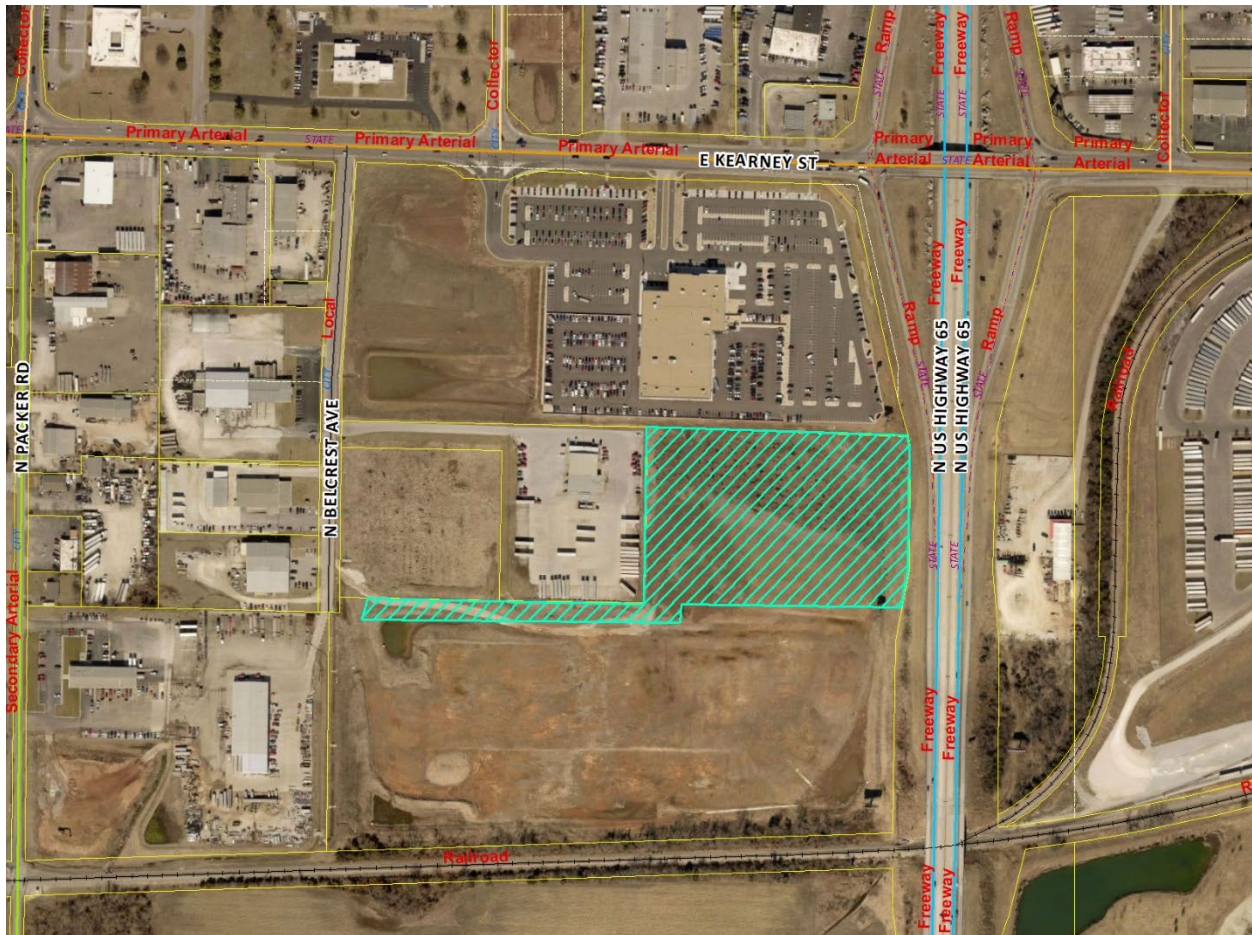
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **Supporting Land Use:**
Less prevalent and serve to support the primary land use.

◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	HC	HM	HM	HM
LAND USE	Auto sales	Vacant	Tool rentals	Trucking/freight
PLACETYPES	Industry & Logistics	Industry & Logistics	Industry & Logistics	Industry & Logistics

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No issues with the proposed rezoning.
2. CITY UTILITIES:
No issues with the proposed rezoning.

DEVELOPMENT REVIEW STAFF REPORT

3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objections to the proposed rezoning. Public sewer is available although any connections to it will need to occur via private laterals. Additional public sewer would probably not be possible because of the raw water main in the area.

4. FIRE DEPARTMENT:

No issues with the proposed rezoning.

5. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

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

Public Works – Stormwater has no concerns for the proposed rezoning. Please note that development of the property will be subject to the following conditions at the time of development:

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

Detention Requirements:

- a. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. 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.
 - i. The site has 75% complete detention design but was paused during construction. Site requires detention, and the current basins must be completed as part of the original permit or resubmit plans for completion.

Water Quality Requirements:

- a. 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 acre or greater. Including projects less than one acre that are part of a larger common plan of development or sale that will disturb one or more acres of the life of the project. Chapter 10 Sec. 2.0.

Additional Stormwater Standards to be met:

- a. A land disturbance permit will be required with disturbing one acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
- b. 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

- i. 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 measures.
 - c. 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.
 - d. 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.
 - i. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
6. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:
Street Classification, Right-Of-Way, and Jurisdiction:
City's Transportation Plan classifies N. Belcrest Avenue as a Non-Residential Local roadway. The standard right-of-way width from the centerline of N. Belcrest Avenue is 30 feet. It appears that no additional right-of-way is needed along N. Belcrest Avenue. A survey is recommended to determine the exact amount of existing right-of-way. N. Belcrest Avenue is a city-maintained street.

Traffic Counts & On-Street Parking:
There is no recent traffic count for N. Belcrest Avenue. On-street parking is allowed along N. Belcrest Avenue.

Driveway Access:
There is one driveway access point onto the property from N. Belcrest Avenue. Access to this property will be allowed to N. Belcrest Avenue based on existing City of Springfield standards for the street classification.

Sidewalk:
There is no existing sidewalk along the property frontage of N. Belcrest Avenue. Sidewalk will be required along N. Belcrest Avenue at the time of subdivision or development.

Trails, Bus Stops, and Additional Information:
There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along N. Belcrest Avenue near this property.

DEVELOPMENT REVIEW STAFF REPORT

Improvements:

This development will require the construction of a cul-de-sac, meeting City of Springfield standards, at the south end of N. Belcrest Avenue. A Traffic Impact Study may be required at the time of development.

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. Belcrest Avenue	Non-Residential Local	Yes	30	30
Street 2	-	-	-	-	-

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant, SFC Real Estate LLC, has requested to rezone this vacant property from HM, Heavy manufacturing district with Conditional Overlay District No. 163 to HC, Highway commercial district and establish Conditional Overlay District No. 226 with the intent to develop an automotive retail and maintenance land use.
2. Per Section 36-310, Establishment of use groups, the retail sales use group includes, "...the sale or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles if outdoor activities are permitted by the district." The retail sales use group and automobile service garages are permitted uses within the HC, Highway commercial district, in accordance with subsection 36-422 (2), provided all motor vehicle repair or maintenance activity which occurs outdoors is located further than 150 feet from the district boundary of any residential district (subsection 36-422 (4)). This use limitation is generally not applicable to the subject site given the absence of residential districts in the immediate vicinity of the area to be rezoned.
3. The subject site is located within the Industry & Logistics Placetype per the *Land Use & Development* chapter of the *Comprehensive Plan*. While this Placetype is predominately comprised of moderate to heavy manufacturing and distribution uses, supporting uses, including retail sales and services, are encouraged along secondary roadways and around the periphery of the Placetype. Access to the subject site will be limited to N. Belcrest Avenue, a non-residential local roadway, therefore meeting the first criteria encouraging access away from major roadways within the Placetype. The subject site is located within the periphery of the Placetype as well, bordering U.S. Highway 65 to the east. In addition to these criteria, the subject site borders an established automotive retailer to the north, providing an opportunity to further supplement the land use patterns which have developed in this area in recent years.

DEVELOPMENT REVIEW STAFF REPORT

4. Conditional Overlay District No. 226 (Attachment 1) has been proposed as part of this request. This Conditional Overlay District will not limit the use or design of future development in this district.
5. The proposed Highway commercial district and Conditional Overlay District No. 226 zoning district classification is consistent with the Springfield Comprehensive Plan. The subject area was included in the Industry & Logistics Placetype, which supports retail and other supporting commercial activities along the periphery of the placetype. Such commercial activity would be permitted via the Highway commercial district and Conditional Overlay District No. 226.
6. There are changing conditions in the area affected that make the proposed rezoning necessary. The property owner intends to construct a new facility for the retail sale of consumer vehicles, similar to the automotive retailer located north of this property along E. Kearney Street, which was rezoned to the Highway commercial district in 1995 as part of the citywide remapping which occurred that year. Furthermore, the adoption of the new *Comprehensive Plan* and its placetypes loosens the focus on strict zoning districts and instead encourages a mix of zoning districts (and, by extensions, land uses) that together form a cohesive and distinct sense of place. The Industry & Logistics Placetype is intended to provide space for manufacturing and distribution uses, with allowances for complementary commercial uses along the periphery of the placetype when located off of lower classification streets.
7. The range of uses in the proposed Highway commercial district and Conditional Overlay District No. 226 are compatible with the uses permitted on other property in the immediate vicinity. As stated above, the property north of the subject area is already zoned Highway commercial district in 1995, and was developed into a consumer vehicle retailer in 2021.
8. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned. Per the reviews provided by City Utilities and Environmental Services – Wastewater Management, no public extensions of services are necessary to serve the proposal area.
9. The impact the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity. While Public Works – Traffic has noted that there are no recent traffic counts for N. Belcrest Avenue, they have not expressed concerns with the anticipated traffic counts anticipated to be generated should this rezoning occur.
10. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
11. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

DEVELOPMENT REVIEW STAFF REPORT

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Industry & Logistics Placetype and on the findings of fact as noted above.

PLANNING AND ZONING OPTIONS:

The Planning and Zoning Commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification.
2. Recommend a change in the zoning district classification.
3. Recommend a change in the zoning district classification together with recommendations which, in the judgment of the Planning and Zoning Commission, will protect adjacent property and ensure that the proposed amendment is consistent with the purpose and intent of this article.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: HM with COD 163 to HC with new COD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 4:00 PM to 6:30 PM on Thursday 2/16/2023
3. Meeting Location: Boulevard Baptist Church 1030 S. Eastgate Ave
4. Number of invitations that were sent: 15
5. How the mailing list was generated: By the City of Springfield Planning Staff
6. Number of neighbors in attendance (attach a sign-in sheet): 4
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

No comments received.

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

N/A

I, Ricky Haase (print name), attest that the neighborhood meeting was held on 02/16/2023 (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."

Ricky D Haase

Signature of person completing affidavit

Ricky Haase

Printed name of person completing affidavit

Neighborhood Meeting

Rezoning @ 2202 N Belcrest Ave, Springfield, MO

February 16, 2023

4:00 p.m. – 6:30 p.m.

Name	Address	Phone
David Dixon	2201 N Belcrest	417-830-6657
Michael Smith	3253 E Chestnut	417-874-1400
Bob Newell	3253 E Chestnut	417-874-1400
John Griesemer	3253 E Chestnut	417-874-1400
Rick Haase	550 E St Louis	417-890-8802

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1

Conditional Overlay District No. 226 Provisions

The requirements of Section 36-422, HC, Highway commercial district of the Land Development Code shall be modified as set forth herein for development within this district:

1. The subject property shall be subdivided along the zoning district boundaries following the current Subdivision Regulations.
2. The developer shall construct a cul-de-sac at the south end of N. Belcrest Avenue in an access easement or public right-of-way. The cul-de-sac shall be constructed at the time of development following the City of Springfield's Public Works Design Standards.



EXPLANATION TO COUNCIL BILL 2023-105 (CARROLL)

FILED: 05/10/2023

ORIGINATING DEPARTMENT: Finance

TITLE: A special ordinance amending Special Ordinance 27775 to revise funding appropriated for continuing COVID-19 services; amending the budget for Fiscal Year 2022-2023 to reappropriate \$320,000 of the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, from the Springfield-Greene County Health Department COVID-19 response fund to grant compliance assistance services; and authorizing the City Manager to enter into agreements with FORVIS, LLP, for the purpose of providing grant compliance services and subrecipient monitoring services for certain external entities receiving American Rescue Plan Act funds from or through the City to perform certain projects.

PURPOSE: Authorizing the City Manager to enter into a contract with FORVIS, LLP, for the purpose of providing Grant Compliance Services and Subrecipient Monitoring with our external American Rescue Plan Act ("ARPA") subrecipients, and amending the budget for Fiscal Year 2022-2023 to reappropriate \$320,000 of the City's ARPA funds.

BACKGROUND INFORMATION: The City of Springfield received a direct allocation of ARPA funds totaling \$40,276,290 from the US Department of the Treasury. The City is utilizing FORVIS, LLP, to assist the City in providing grant compliance services and subrecipient monitoring services with the following external entities that the City has contracted with receiving ARPA funds directly or indirectly:

1. OTC Airframe & Powerplant Maintenance Facility	\$750,000
2. Springfield Greene County Library District Upgrades	\$500,000
3. Boys & Girls Club Facility	\$2,000,000
4. Community Partnership of the Ozarks (Day Center)	\$3,000,000
5. Discovery Center	\$50,000
6. CASA Clubhouse for foster children	\$150,000
7. Family Connects program for children	\$650,000
8. Ozark Empire Fairgrounds Arena	\$250,000
9. Chadwick Flyer Trail Development	\$3,000,000
10. Connecting Grounds (Respite Care Facility)	\$650,000
11. Lincoln Cemetery	\$100,000
12. Restore SGF	\$1,000,000

In addition, the State of Missouri has awarded the City an allocation of \$10,000,000 for



the Arena Improvements on behalf of the Greene County Agriculture and Mechanical Society, D/B/A as the Ozark Empire Fair. The City has entered into a separate agreement with the Fair Board to receive these State ARPA funds.

FORVIS, LLP, (formerly BKD), is the City's internal audit firm and has been utilized for preliminary ARPA work for the City. The council bill is expanding FOVIS, LLP, role in providing ARPA grant compliance work and subrecipient monitoring services that the City is unable to perform with the numerous external entities selected to receive City ARPA allocations.

Special Ordinance 27730 adopted by City Council on July 25th, 2022, amended the budget for Fiscal Year 2022-2023 from \$8,000,000 to \$3,026,290 to support the Springfield-Greene County Health Department for continuing COVID-19 critical services. Special Ordinance 27775 adopted by City Council on November 14, 2022, amended the budget for Fiscal Year 2022-2023 from \$3,026,290 to support Springfield-Greene County Health Department for continuing COVID-19 critical services to \$2,776,290 to support Springfield-Greene County Health Department critical services. This council bill is further amending the budget from \$2,776,290 to \$2,456,290 to provide funding for the grant compliance and subrecipient services noted above. The funding allocation will remain for COVID-19 pandemic utilization unless/until these funds are reallocated by City Council for other ARPA projects, as funds become available.

With approval of this Ordinance, the City Manager is authorized to approve and enter into agreements with FORVIS, LLP, in a form to be approved by the City Attorney and City Manager.

Submitted By: David Holtmann, Director of Finance

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

Attachments:

1. ARPA Assistance FORVIS_ord
2. Exhibit A- ARPA Subrecipient Assistance_BA

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 05-02-23

Sponsored by Carroll

First Reading _____

Second Reading _____

COUNCIL BILL 2023-105

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Special Ordinance 27775 to revise funding appropriated for continuing
2 COVID-19 services; amending the budget for Fiscal Year 2022-2023 to
3 reappropriate \$320,000 of the City's Coronavirus State and Local Fiscal
4 Recovery Funds, established by the American Rescue Plan Act of
5 2021, from the Springfield-Greene County Health Department COVID-
6 19 response fund to grant compliance assistance services; and
7 authorizing the City Manager to enter into agreements with FORVIS,
8 LLP, for the purpose of providing grant compliance services and
9 subrecipient monitoring services for certain external entities receiving
10 American Rescue Plan Act funds from or through the City to perform
11 certain projects.
12 _____
13

14 WHEREAS, the American Rescue Plan Act of 2021 ("ARPA"), signed into law on
15 March 11, 2021, established Coronavirus State and Local Fiscal Recovery Funds to
16 provide emergency funding for eligible state, local, territorial, and Tribal Governments;
17 and
18

19 WHEREAS, the City was awarded \$40,276,290 in Coronavirus State and Local
20 Fiscal Recovery Funds, and City Council accepted these ARPA funds through Special
21 Ordinance 27538 passed on July 26, 2021; and
22

23 WHEREAS, the City subsequently awarded ARPA funds to multiple
24 subrecipients through Special Ordinances 27730 and 27731 passed on July 25, 2022,
25 and Special Ordinance 27775 passed on November 14, 2022; and
26

27 WHEREAS, the State of Missouri awarded the City, on behalf of the Greene
28 County Agricultural and Mechanical Society, d/b/a Ozark Empire Fair, \$10,000,000 in
29 state ARPA funds for arena improvements; and
30

31 WHEREAS, the City has utilized FORVIS, LLP, the City's internal audit firm, for
32 preliminary ARPA work for the City; and
33

WHEREAS, the City requires additional assistance with ARPA grant compliance services and subrecipient monitoring services for certain external entities receiving ARPA funds from or through the City to perform certain projects; and

WHEREAS, the City desires to utilize FORVIS, LLP, to provide such APRA grant compliance services and subrecipient monitoring services for such external entities performing such projects.

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

Section 1 – Special Ordinance 27775 is hereby amended to change the amount of ARPA funds appropriated to support continuing COVID-19 services from \$2,776,290 to 2,456,290.

Section 2 – The budget for Fiscal Year 2022-2023 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 054, a copy of which is attached hereto and incorporated herein by reference as “Exhibit A,” to reappropriate \$320,000 in funds from the City’s Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, from the Springfield-Greene County Health Department COVID-19 response fund to grant compliance assistance services.

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

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

Section 5 – City Council hereby authorizes the City Manager, or his designee, to enter into agreements with FORVIS, LLP, for the purpose of providing grant compliance services and subrecipient monitoring services for external entities receiving ARPA funds from or through the City to perform the following projects, provided that any agreements or documents executed pursuant to this authority are in a form approved by the City Attorney:

1. OTC Airframe & Powerplant Maintenance Facility	\$750,000
2. Springfield Greene County Library District Upgrades	\$500,000
3. Boys & Girls Club Facility	\$2,000,000
4. Community Partnership of the Ozarks Day Center	\$3,000,000
5. Discovery Center	\$50,000
6. CASA Clubhouse for foster children	\$150,000
7. Family Connects program for children	\$650,000

77	8. Ozark Empire Fairgrounds Arena	\$250,000
78	9. Ozark Greenways Chadwick Flyer Trail Development	\$3,000,000
79	10. Connecting Grounds (Respite Care Facility)	\$650,000
80	11. Lincoln Cemetery	\$100,000
81	12. Restore SGF	\$1,000,000
82	13. Greene County Agricultural and Mechanical Society,	\$10,000,000
83	d/b/a Ozark Empire Fair, area improvements (State	
84	ARPA funds)	

85
86 Section 6 – This Ordinance shall be in full force and effect from and after
87 passage.

88
89 Passed at meeting: _____

90
91 _____
92 Mayor

93
94 Attest: _____, City Clerk

95
96 Filed as Ordinance: _____

97
98
99 Approved as to form: Jill Bennis, Assistant City Attorney

100
101
102 Approved for Council action: Jason A. Hays, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
054

Revenues:

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

Expenditures:

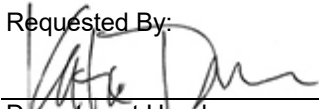
Fund	Dept	Org	Account	P&G	Location	Amount	Description
22520	09	14120	504580	000000	00000	\$ 320,000	Grant Compliance Services
22520	11	18030	500110	000000	00000	(320,000)	Reallocate COVID-19 response funding for Health
Net Expenditure Adjustment						\$ -	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by reappropriating American Rescue Plan Act funds allocation from the Springfield-Greene County Health Department COVID-19 response to grant compliance assistance services.

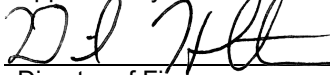
Requested By:



Department Head

5-02-2023
Date

Approved By:



Director of Finance

5-02-2023
Date

City Manager

Date

Authorization:

Council Bill No. 2023-105
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-111 (SIMPSON)

FILED: 04/27/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A resolution granting a Short-Term Rental Type 2 permit for the property located at 947 East Sunshine Street for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

PURPOSE: Granting a Short-Term Rental Type 2 permit for the property generally located at 947 East Sunshine Street, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Zoning Ordinance.

BACKGROUND INFORMATION: The property owner has applied for a Short-Term Rental ("STR") Type 2 permit to establish a Short-Term Rental Type 2 at 947 East Sunshine Street. Section 36-473 of the Zoning Ordinance requires that Type 2 applicants conduct a neighborhood meeting and obtain signatures from fifty-five percent or more of property owners adjacent to and immediately across the street from the proposed STR. If the signatures of at least fifty-five percent of neighboring property owners cannot be secured, the applicant may apply to the City Council to obtain a resolution granting the STR Type 2 permit.

The applicant has obtained one signature from the five adjacent property owners, resulting in twenty (20) percent consent as shown on "Exhibit C".

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

Property owners within 500 feet of the proposed Short-Term Rental Type 2 establishment have been notified by regular mail of the May 22nd City Council meeting.

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

Submitted By: Andrew Menke, Assistant Planner

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Maurice S. Jones, Deputy City Manager 5/15/2023

Attachments:

1. STR2 947 E Sunshine_res
2. STR2 Appeal 947 E Sunshine_ExhA
3. STR2 Appeal 947 E Sunshine_ExhB
4. STR2 Appeal 947 E Sunshine_ExhC

One-rdg. X
P. Hrngs.
Pgs. 16
Filed: 05-16-23

Sponsored by: Simpson

COUNCIL BILL 2023-111 RESOLUTION

A RESOLUTION

1 GRANTING a Short-Term Rental Type 2 permit for the property located at 947
2 East Sunshine Street for the purpose of allowing the establishment
3 of a Short-Term Rental Type 2 pursuant to Section 36-473 of the
4 Land Development Code.
5 _____
6

7 WHEREAS, the owner of the property located at 947 East Sunshine Street has
8 applied for a Short-Term Rental ("STR") Type 2 Permit; and
9

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

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

19 WHEREAS, the owner of the property located at 947 East Sunshine Street has
20 obtained one signature out of the five signatures of property owners adjacent to and
21 immediately across the street from the property, resulting in only twenty (20) percent
22 consent of the neighboring property owners; and
23

24 WHEREAS, property owners within 500 feet of the proposed STR Type 2
25 establishment were notified by regular mail of the May 22, 2023, City Council meeting.
26

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

30 Section 1 – City Council hereby grants the applicant a STR Type 2 Permit for the
31 property located at 947 East Sunshine Street. The granting of the Permit is expressly
32 subject to compliance with Section 36-473 of the Land Development Code, and any
33 other applicable provisions of City Code.
34

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

37
38 Passed at meeting: _____

39
40 _____
41 Mayor

42
43 Attest: _____, City Clerk

44
45 Filed as Resolution: _____

46
47
48 Approved as to form: Jill Bunn, Assistant City Attorney

49
50
51 Approved for Council action: Jason A. Hage, City Manager

Exhibit A

April 13, 2023

From: Jessica Patterson

To: Springfield City Council

Dear City Council,

I am writing this letter requesting an appeal to turn 947 E Sunshine St, Springfield, MO 65807 into a short-term rental type 2 as I was unable to obtain 55% consent from adjacent property owners. There are five adjacent neighbors, of which I needed the signature of three.

- One I was able to obtain
- The owner of the second lives in Hawaii, hindering a signature
- The owner of the third said they would sign if I obtained two other neighbor's signatures
- The other two owners I have not been able to gain contact/have been unresponsive. For both, I have visited the residences on numerous occasions, at varying times, with no response. Furthermore, I have left letters in each of their mailboxes on multiple occasions to explain my intent for this home and the city's requirement for a signature if they approve. Within this letter, I gave them many forms of my contact information where they could reach out to me for questions, concerns, or information regarding a good time for me to stop by for a conversation and perhaps a signature. Still no response.

Due to these reasonings, it has been a challenge to obtain the three of five signatures from the adjacent neighbors. The home was previously a short-term rental type 2 (before our purchase a year ago) and I am requesting the ability to turn it back into this type of rental.

I appreciate your consideration.

Thank you,

Jessica Patterson



Application for Short-Term Rental Type 2

eCity INSTRUCTIONS

PLEASE FOLLOW STEPS 1 & 2 BEFORE SUBMITTING THIS APPLICATION

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

Case No.	PLN2023-00080
Date Filed	3/16/2023
Received By	A. Menke
Receipt No.	

*Fee Amount Paid: \$ 345.00
See Fee Schedule

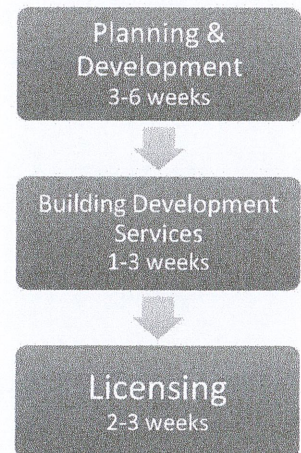
The signers of this application ask the City Council of the City of Springfield, Missouri to approve an application for the use of a short-term rental at the following address:

Property Address: 947 E Sunshine St, Springfield, MO 65807

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

Application Timeframe by

Department



See checklist on page 2 for additional information.

PROPERTY OWNER'S INFORMATION:

Name of current property owner: Justin + Jessica Patterson

If corporation: Corporate Official: _____

Mailing Address: 2315 State Hwy 00, Sparta, MO

Zip Code: 65153 Phone: 870-540-6646

E-mail: jessf.patterson@gmail.com

PROPERTY OWNER'S SIGNATURE: *Justin Patterson*

OPERATOR'S INFORMATION (if different):

Name: _____

Mailing Address: _____ Zip Code: _____

Phone: _____ E-mail: _____

NOTE: All the items listed on the attached checklist must be submitted during the application process or the application will be denied. The timeframes established in the attached checklist must be followed or the application will be denied.

*Fees are non-refundable

Exhibit B

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

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

2. Meeting Date & Time: 29 MAR 2023 @ 4:00 PM - 6:30 PM

3. Meeting Location: 947 E Sunshine St

4. Number of invitations that were sent: 88

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

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

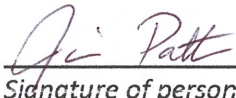
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the owner/operator must explain why the issues cannot be resolved.)

see attached

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

see attached

I, Jessica Patterson (print name), attest that the neighborhood meeting was held on 3/29/2023 (month/date/year), in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

Jessica Patterson

Printed name of person completing affidavit

MARK - DENISE KRUGER

3/29/23

CONCERNS - AIR BNB

- 1) REMOVE BASKETBALL HOOP
- 2) ESTABLISH COMMUNICATIONS FOR ISSUES
24/7 PHONE NUMBERS
- 3) THOROUGHLY VET THE AIR BNB CLIENTS
NO ONE UNDER AGE 25

Jessica Patterson (owner) Responses

1. Basketball hoop ^{has been} ~~will be~~ removed before start of BnB operation.
2. Phone numbers have been exchanged
3. AirBnB minimum age to rent is 18 years old. It is against ~~there~~ their non-discrimination policy to "impose any different terms or conditions or decline a reservation based on the guest's age or familial status, where prohibited by law." There may be certain restrictions in place by AirBnB for those booking under age 25 (account must be in good standing or they may have to reach out to host for approval before booking). However, AirBnB Terms of Service are constantly changing, so there is no guarantee. I will do as much as I ~~leg~~ legally can to try to ensure the individual booking is over age 25.

NEIGHBORHOOD MEETING SIGN-IN SHEET

Project: Short-Term Rental Type 2

Meeting Date: 29 MAR 2023

Owner/Operator: Justin + Jessica Patterson

Location of Meeting: 947 E Sunshine St

[illegible]

SHORT-TERM RENTAL TYPE 2 ADJACENT OWNER CONSENT AFFIDAVIT

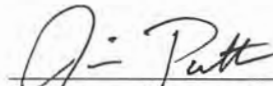
Address of Proposed Short-Term Rental: **947 East Sunshine Street**

STATE OF Missouri)

COUNTY OF Greene)

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

(Corporate Seal**)


Signature of Owner/Operator

Jessica Patterson
Typed or Printed Name

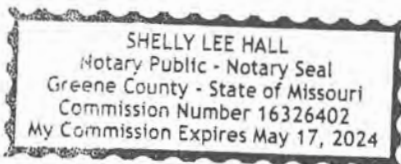
ATTEST:

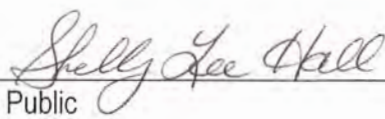
Title

Corporate Secretary
(If no seal)

Name of Company or Organization
(If Applicable)

Subscribed and sworn to before me a notary public on this 7 day of April, 20 23.




Notary Public

My Commission expires: 5/17/24

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

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **947 East Sunshine Street**

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

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

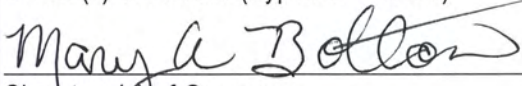
1.	Address of Adjacent Residential Property: <u>937 E SUNSHINE ST</u> <u>Charles A Kolb</u> Owner(s) of Record (Typed or Printed) _____ Signature(s) of Owners _____ Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
2.	Address of Adjacent Residential Property: <u>956 E UNIVERSITY ST</u> <u>James D Marocco</u> Owner(s) of Record (Typed or Printed) _____ Signature(s) of Owners _____ Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
3.	Address of Adjacent Residential Property: <u>959 E SUNSHINE ST</u> <u>Mark Krueger</u> Owner(s) of Record (Typed or Printed) _____ Signature(s) of Owners _____ Title	Notary Seal (only required if signature not witnessed by applicant) SEAL

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

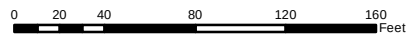
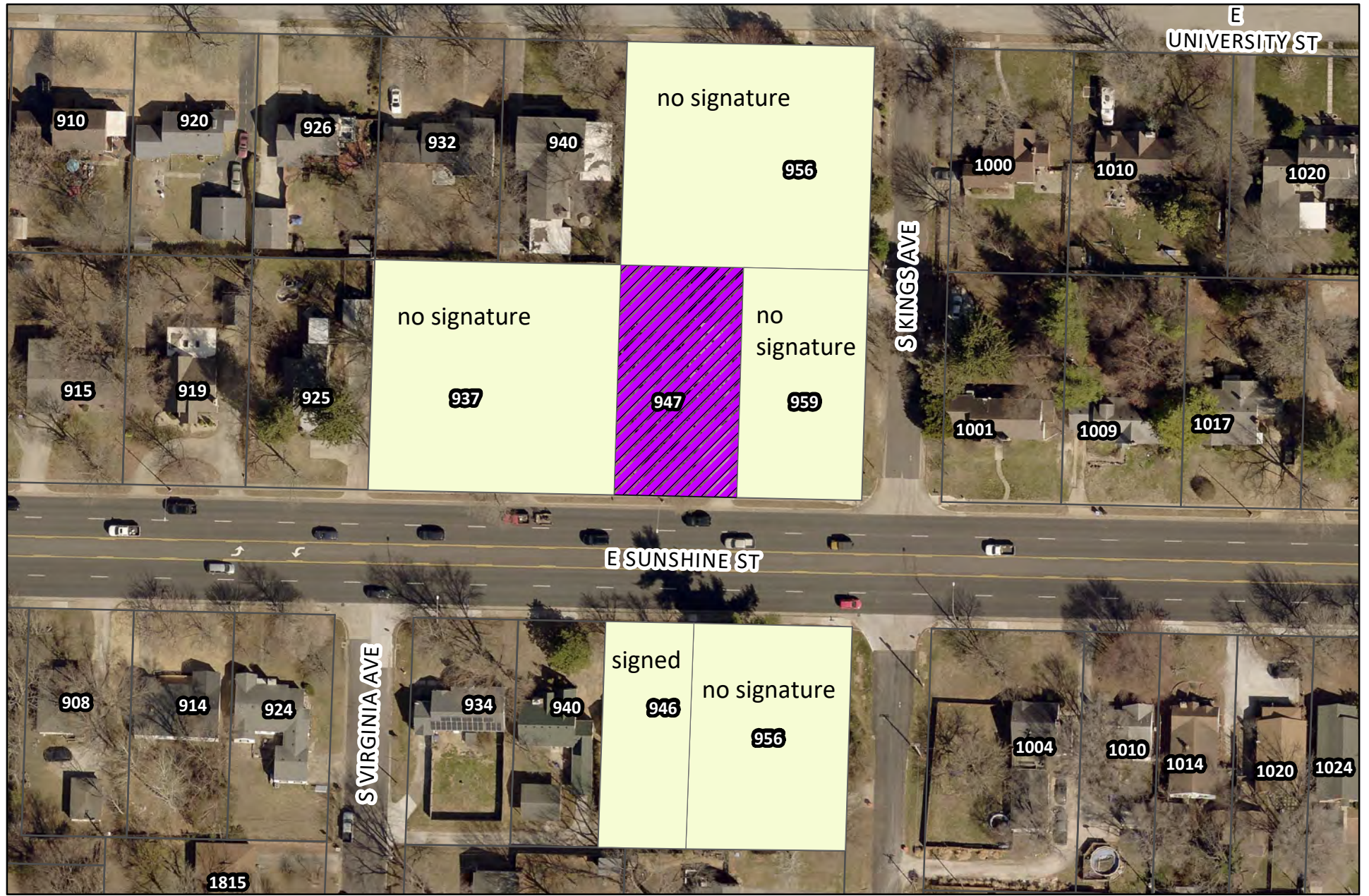
The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **947 East Sunshine Street**

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

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

4.	Address of Adjacent Residential Property: 956 E SUNSHINE ST James Gentry Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title Notary Seal (only required if signature not witnessed by applicant) SEAL
5.	Address of Adjacent Residential Property: 946 E SUNSHINE ST Mary Bolton Owner(s) of Record (Typed or Printed)  Signature(s) of Owners Title Notary Seal (only required if signature not witnessed by applicant) SEAL
6.	Address of Adjacent Residential Property: Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title Notary Seal (only required if signature not witnessed by applicant) SEAL

Adjacent Property



SCALE: 1:1,020



DISCLAIMER: All information included on this map or digital file is provided "as-is" for general information purposes only. The City of Springfield, and all other contributing data suppliers, make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the data for any particular use. Furthermore, the City of Springfield, and all other contributing data suppliers, assume no liability whatsoever associated with the use or misuse of the data.

Legend

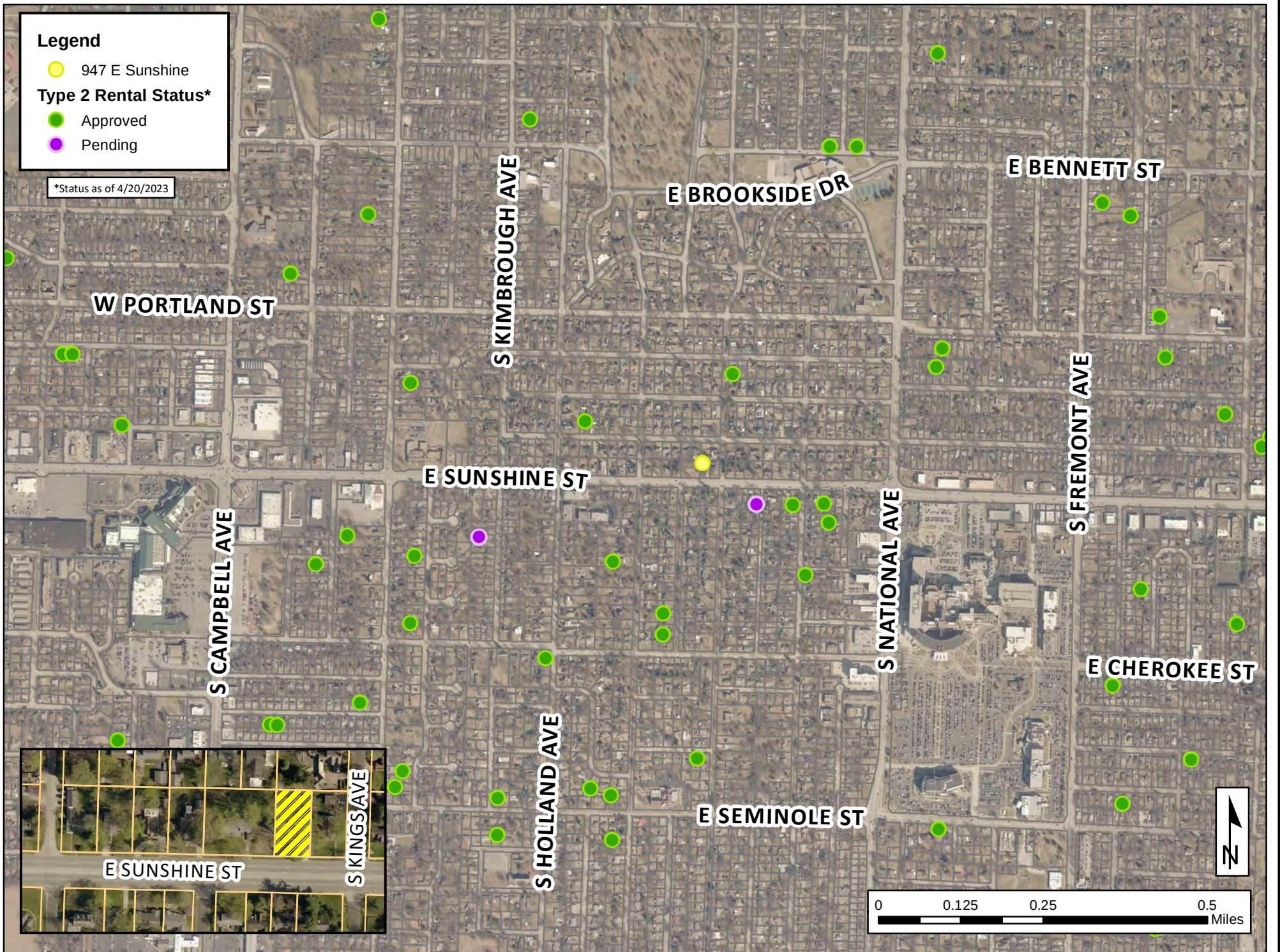
● 947 E Sunshine

Type 2 Rental Status*

● Approved

● Pending

*Status as of 4/20/2023



AFFIDAVIT OF SIGN POSTING



(sign lettering must be legible in photo)

I, Jessica Patterson (print name of owner, agent, attorney), attest that the above sign was posted 10 days before the public hearing on March 29, 2023 (month/day/year) and in accordance with the given posting requirements.

J. Patterson

Signature of person completing sign posting

Jessica Patterson

Printed name of person completing sign posting

City of Springfield, Missouri

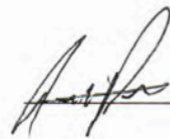
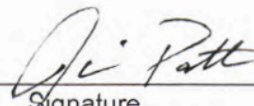
Short-Term Rental Intake Form

1. Business Name (if applicable): _____
Operator(s) Name: Justin and Jessica Patterson
Operator(s) Address: 2315 State Hwy OO, Sparta, MO 65753
Phone: 870-540-6646 E-Mail: jessfpatterson@gmail.com
Short-Term Rental Address: 947 E Sunshine St, Springfield, MO 65807
2. Property owner name, address, e-mail, and phone (if different):

3. Does the Short-Term Rental operator reside at the residential dwelling? ☐ Yes ☒ No
4. ☐ Type 1 (operator occupied; all zoning districts). ☒ Type 2 (non-operator occupied, zoned R-SF or R-TH). ☐ Type 3 (non-operator occupied, all other districts except R-SF or R-TH; no more than 2 units per premise).
Unit _____ Unit _____
5. Are guests housed in a primary structure or a historic carriage house (built before January 1, 1940)?
☒ Primary Structure ☐ Historic Carriage House
6. Is the dwelling unit currently being renovated or are there plans for renovation prior to completion of this application?
☐ Yes ☒ No
7. Have renovations to the dwelling occurred in recent history? ☐ Yes ☒ No If so, was a building permit issued by the City? ☐ Yes ☐ No

Justin Patterson and Jessica Patterson

Business Owner/Operator

 
Signature

Property Owner
only if different

Signature

APPLICANT FILL OUT TO THIS POINT

PLANNING and DEVELOPMENT

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

PLN: 2023-00080 Personnel: A. Menke Date Reviewed: 3/8/2023

Comments: _____



EXPLANATION TO COUNCIL BILL 2023-112 (HARDINGER)

FILED: 04/28/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A resolution authorizing the City Manager, or his designee, to apply for a Youth Homeless Demonstration Program Grant from the Department of Housing and Urban Development, in a minimum amount of \$600,000, for the purpose of developing and implementing a coordinated community plan to end youth homelessness.

PURPOSE: To adopt a resolution authorizing the City Manager, or his designee, to apply for a Youth Homelessness Demonstration Program ("YHDP") Grant from the United States Department of Housing and Urban Development ("HUD"), in a minimum amount of \$600,000, to develop and implement a coordinated community plan to end youth homelessness.

BACKGROUND INFORMATION: The goal of the Youth Homelessness Demonstration Program ("YHDP") is to support selected communities in the development and implementation of a coordinated community approach to preventing and ending youth homelessness and sharing that experience with and mobilizing communities around the country toward the same end. The YHDP grant funding will assist communities in identifying strategies to attain the aforementioned goal. This grant, if awarded, will be used to develop and implement a coordinated community plan to end youth homelessness. The City will partner with the local Continuum of Care (DBA Ozarks Alliance to End Homelessness) in carrying out all of the grant activities. The City of Springfield will be the collaborative applicant, and Community Partnership of the Ozarks ("CPO") will be the subrecipient lead agency, as the contracted agency to facilitate the Ozarks Alliance to End Homelessness. If Springfield is chosen, the Department of Housing and Urban Development ("HUD") will provide grant funding to our community based upon the number of people age 12-24 who are in poverty in the geographic area (Greene, Christian, and Webster Counties), and fair market rent data for the geographic area. As part of this grant, a national technical assistance provider will assist in the development of a coordinated community plan to end youth homelessness.

REMARKS: The City has submitted a YHDP grant application in all previous rounds of funding (2017, 2018, 2019, 2020, 2021, and 2022) but has not previously been selected by HUD for funding. Last year's application received a total score of 86.00 out of a total maximum of 100 points. Last year, applicants receiving a score of 91.33 or higher were selected for funding.

If awarded, this is grant funding that would be eligible for renewal each fiscal year. Access to this grant funding would assist the Ozarks Alliance to End Homelessness in meeting its goal of preventing and ending youth homelessness.



Submitted By: Bob Atchley, Senior City Planner

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Maurice S. Jones, Deputy City Manager 5/15/2023

Attachments: 1. Youth Homelessness

One-rdg. X
P. Hrngs.
Pgs. 4
Filed 05-16-23

Sponsored by Hardinger

COUNCIL BILL 2023-112 RESOLUTION

A RESOLUTION

1 AUTHORIZING the City Manager, or his designee, to apply for a Youth Homeless
2 Demonstration Program Grant from the Department of Housing and
3 Urban Development, in a minimum amount of \$600,000, for the
4 purpose of developing and implementing a coordinated community
5 plan to end youth homelessness.
6
7

8 WHEREAS, the United States Department of Housing and Urban Development
9 (“HUD”) has an initiative called the “Youth Homelessness Demonstration Program” that
10 awards grant funds to assist communities in identifying strategies to attain the goal of
11 preventing and ending youth homelessness; and
12

13 WHEREAS, if awarded, a Youth Homeless Demonstration Program Grant will be
14 used by the City and its partner agencies to develop and implement a coordinated
15 community plan to end youth homelessness; and
16

17 WHEREAS, the City will partner with the local Continuum of Care, d/b/a Ozarks
18 Alliance to End Homelessness, in carrying out all the grant activities; and
19

20 WHEREAS, it is anticipated that the City will be the grant applicant and
21 Community Partnership of the Ozarks will be the lead agency; and
22

23 WHEREAS, if the City is awarded this grant, HUD will provide grant funding to
24 our community based on our youth poverty rate and fair market rent date, and, as part
25 of this grant, a national technical assistance provider will assist in development of a
26 coordinated community plan to end youth homelessness.
27

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

31 Section 1 – The City Manager, or his designee, is hereby authorized to apply for
32 a Youth Homeless Demonstration Program Grant from the Department of Housing and
33 Urban Development, in a minimum amount of \$600,000, to develop and implement a
34 coordinated community plan to end youth homelessness.
35

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Resolution _____

Approved as to form: Jill Burris, Assistant City Attorney

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



EXPLANATION TO COUNCIL BILL 2023-025 (HOSMER). THE BILL'S SPONSOR

FILED: 05/16/2023

ORIGINATING DEPARTMENT: Planning and Development

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

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

BACKGROUND INFORMATION: Councilman Hosmer requested this bill.

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

Submitted By: Susan Istenes, Director of Planning & Development

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



- Attachments:**
1. S&N Admin Delay_res
 2. S&N Admin Delay_exh1

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

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

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

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

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

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

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

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

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

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

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

Passed at meeting: _____

Mayor

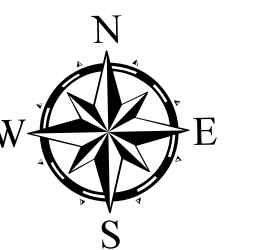
Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: Jill Bennis, Assistant City Attorney

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

untree/Walnut





EXPLANATION TO COUNCIL BILL 2023-113 (CITY COUNCIL)

FILED: 05/09/2023

ORIGINATING DEPARTMENT: Law

TITLE: A special ordinance calling an election to be held on August 8, 2023, in the City of Springfield, Missouri, to submit to the qualified voters a question as to whether to impose an additional sales tax of three percent on the retail sales of adult use marijuana; and declaring an emergency.

PURPOSE: Calling an election to be held on August 8, 2023, in the City of Springfield, Missouri, to submit to the qualified voters a question as to whether to impose an additional sales tax of three percent on the retail sales of adult use marijuana; and declaring an emergency.

BACKGROUND INFORMATION: In November 2022, Missouri voters approved Amendment 3 to the Missouri Constitution, which added Article XIV, Section 2, and made the use and sale of recreational ("adult use") marijuana legal for adults. Article XIV, Section 2.6(5) of the Missouri Constitution authorizes local governments, including the City of Springfield, to enact an additional sales tax of three percent (3%) on retail sales of adult use marijuana after approval by public vote.

At the May 15, 2023 Council lunch, City Council instructed staff to prepare an ordinance calling an election for August 8, 2023, to submit the question of enacting a three percent (3%) tax on retail sales of adult use marijuana to the qualified voters of the City. The proceeds from the tax would be used to fund public safety, mental health services, housing, and substance-abuse services. Passage of this Ordinance would call such an election.

Submitted By: Rhonda Lewsader, City Attorney

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Jason Gage, City Manager 5/15/2023

Attachments: 1. Marijuana sales tax_ord

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed: 05-16-23

Sponsored by: City Council

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-113

SPECIAL ORDINANCE _____

AN ORDINANCE

1 CALLING AN ELECTION to be held on August 8, 2023, in the City of Springfield,
2 Missouri, to submit to the qualified voters a question as to
3 whether to impose an additional sales tax of three percent
4 on the retail sales of adult use marijuana; and declaring an
5 emergency.
6
7

8 WHEREAS, in November 2022, Missouri voters approved Amendment 3 to the
9 Missouri Constitution, which added Article XIV, Section 2, and made the use and sale of
10 recreational ("adult use") marijuana legal for adults; and
11

12 WHEREAS, Article XIV, Section 2.6(5) of the Missouri Constitution authorizes
13 local governments, such as the City of Springfield, to enact an additional sales tax of
14 three percent (3%) on retail sales of adult use marijuana after approval by public vote;
15 and
16

17 WHEREAS, City Council desires to submit the question of enacting a three
18 percent (3%) tax on retail sales of adult use marijuana to the qualified voters of the City
19 at the election on August 8, 2023.
20

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

24 Section 1 – An election is hereby called and ordered to be held in the City of
25 Springfield, Missouri, on August 8, 2023, for the purpose of submitting to the qualified
26 voters of the City the following proposition:
27

28
29 OFFICIAL BALLOT
30 CITY ELECTION
31 CITY OF SPRINGFIELD, MISSOURI
32

33 **QUESTION ____**

34
35 Shall the City of Springfield, Missouri, impose an additional sales tax of three
36 percent (3 percent) on the retail sale of adult use marijuana with proceeds from
37 such tax to be used for public safety, mental health services, housing, and
38 substance abuse services?

39
40 ☐ **Yes**

41
42 ☐ **No**

43
44
45
46
47 Section 2 - The Greene County Clerk is hereby authorized and directed to
48 conduct said election in a manner consistent with the provisions of Chapter 115, RSMo.

49
50 Section 3 - The City Clerk is hereby authorized and directed to notify the Greene
51 County Clerk of the adoption of this Ordinance no later than 5:00 p.m. on the tenth
52 Tuesday prior to the election, and to include in said notification all of the terms and
53 provisions required by Chapter 115, RSMo.

54
55 Section 4 - City Council finds and declares that this Ordinance constitutes an
56 emergency under City Charter Section 2.12 because it calls an election. This Ordinance
57 shall be in full force and effect from and after passage.

58
59 Passed at meeting: _____

60
61
62 _____
63 Mayor

64 Attest: _____, City Clerk

65
66 Filed as Ordinance: _____

67
68 Approved as to form: Rhonda Lewsader, City Attorney

69
70
71 Approved for Council action: Jason A. Hage, City Manager
72



EXPLANATION TO COUNCIL BILL 2023-115 (CARROLL)

FILED: 05/04/2023

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance authorizing the City Manager or his designee to accept pass through State American Rescue Plan Act Water Infrastructure Community Grant Program Funds, in the amount of \$289,037, from the Missouri Department of Natural Resources to support construction of the Jordan Creek Regional Detention Basin B6 Project, to enter into an agreement with Missouri Department of Natural Resources for acceptance and use of those funds, and to exercise any and all powers to obtain such funding and carry out the identified activities; amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$289,037 to appropriate the Water Infrastructure Community Grant Funds; and declaring this council bill qualifies for approval in one reading.

PURPOSE: To authorize the City Manager or his designee, on behalf of the City, to accept federal grant funds up to the amount of \$289,037 from the Missouri Department of Natural Resources ("MDNR") to support construction of Jordan Creek Regional Detention Basin B6 Project (2018PW0023); 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 \$289,037 to appropriate the federal grant funds.

BACKGROUND INFORMATION: The Jordan Creek B6 Regional Detention project was identified by a United States Army Corps of Engineers Study as a location for enhanced regional detention following flood risk reduction studies completed in the early 2000's. The Jordan Creek B6 Detention project will provide needed stormwater detention storage volume to help mitigate peak flows of Jordan Creek through downtown Springfield. Design of the Jordan Creek Regional Detention B6 was completed prior to the City's application for ARPA grant funding on June 6, 2022. The Department of Public Works bid the project through the Purchasing Department with a bid opening on July 28, 2022. The construction contract was awarded to the lowest responsive bidder, D&E Plumbing and Heating, with a bid of \$1,782,252, including construction of both stormwater detention and sanitary sewer capital improvements within the project area. A notice to proceed for construction was issued for October 15, 2022. The contract completion time is 365 calendar days and the project is currently under construction with a completion deadline of October 15, 2023. The MNDR ARPA grant funds will partially fund the construction of stormwater detention infrastructure and will be matched with local funds already budgeted for construction of the stormwater project.



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 various stormwater and wastewater infrastructure projects. On November 18, 2022, MDNR awarded the City \$289,037 in ARPA grant funds for construction of the Jordan Creek B6 Regional Detention. A financial assistance agreement is included as Exhibit A.

REMARKS: This Council Bill will authorize the City of Springfield to accept \$289,037 in MDNR ARPA grant funds toward construction of Jordan Creek B6 Regional Detention (2018PW0023). Matching funds for construction will be provided through Level Property Tax Funds and revenues from fees in lieu of constructing stormwater detention that have been budgeted for the project. 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:

Maurice S. Jones, Deputy City Manager 5/15/2023

Attachments:

1. Jordan Creek B6 MDNR Grant_Ord
2. Jordan Creek B6 MDNR ARPA Grant_ExhA
3. Jordan Creek B6 MDNR ARPA Grant BA_ExhB

One-rdg. X
P. Hrngs.
Pgs. 7
Filed 05-16-23

Sponsored by Carroll

First Reading

Second Reading

COUNCIL BILL 2023-115

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager or his designee to accept pass through State
2 American Rescue Plan Act Water Infrastructure Community Grant
3 Program Funds, in the amount of \$289,037, from the Missouri
4 Department of Natural Resources, to support construction of the
5 Jordan Creek Regional Detention Basin B6 Project, to enter into an
6 agreement with Missouri Department of Natural Resources for
7 acceptance and use of those funds, and to exercise any and all
8 powers to obtain such funding and carry out the identified activities;
9 amending the budget of the Department of Public Works for Fiscal
10 Year 2022-2023 in the amount of \$289,037 to appropriate the Water
11 Infrastructure Community Grant Funds; and declaring this council bill
12 qualifies for approval in one reading.
13
14
15

16 WHEREAS, the Jordan Creek B6 Detention Project (2018PW0023) ("Project")
17 will provide needed stormwater detention storage volume to help mitigate peak flows of
18 Jordan Creek through downtown Springfield; and
19

20 WHEREAS, the contract to construct the Project, both stormwater detention and
21 sanitary sewer capital improvements, was awarded to the lowest responsible,
22 responsive bidder, D&E Plumbing and Heating, with a bid of \$1,782,252; and
23

24 WHEREAS, the project is currently under construction with a completion deadline
25 of October 15, 2023; and
26

27 WHEREAS, Resolution 10636, passed June 13, 2022, authorized applying for
28 State American Rescue Plan Act ("ARPA") Water Infrastructure Community Grant
29 Program Funds to help fund construction of the project.
30

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

34 Section 1 – The City Manager, or his designee, is hereby authorized to accept
35 ARPA Water Infrastructure Community Grant funding in the amount of \$289,037 from
36 the Missouri Department of Natural Resources, for the purpose of supporting
37 construction of the Jordan Creek Regional Detention Basin B6 Project, and to do those
38 things necessary to receive and disburse such funds, including entering into a Financial
39 Assistance Agreement similar to that attached hereto as “Exhibit A,” provided the form
40 of any such agreement is approved as to form by the City Attorney or designee.

41
42 Section 2 – The budget of the Department of Public Works for Fiscal Year 2022-
43 2023 is hereby amended in the accounts and in the amounts shown on Budget
44 Adjustment No. 059, a copy of which is attached hereto and incorporated herein by the
45 reference as “Exhibit B.”

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

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

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

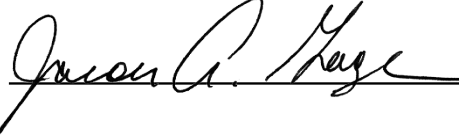
59
60
61 Passed at meeting: _____

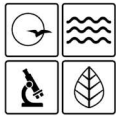
62
63 _____
64 Mayor

65
66 Attest: _____, City Clerk

67
68 Filed as Ordinance: _____

69
70 Approved as to form:  _____, Assistant City Attorney

71
72
73 Approved for Council action:  _____, City Manager
74



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
059

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22520	20	73020	416010	102569	00000	\$289,037	American Rescue Plan Act (ARPA) Federal Grant Revenues - Water Infrastructure Community Grant Program through Missouri Department of Natural Resources
Net Revenue Adjustment						\$289,037	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22520	20	73020	509110	102569	00000	\$289,037	Jordan Creek Regional Detention Basin B6 Improvement
Net Expenditure Adjustment						\$289,037	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating \$289,037 of federal ARPA grant funds for the Jordan Creek Regional Detention Basin B6 stormwater improvement project.

Requested By:

Dan Smith 5-16-2023
Department Head Date

Approved By:

DL Hill 5-16-2023
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2023-115
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-116 (HORTON)

FILED: 05/05/2023

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Department of Economic Development for the purpose of accepting federal American Rescue Plan Act grant funds to support construction of the Renew Jordan Creek – Main to Boonville Project, and to exercise any and all powers necessary to obtain such funding and carry out the identified activities; amending the budget of the City of Springfield for Fiscal Year 2022-2023 in the amount of \$3,749,711; and declaring that this bill qualifies for approval in one reading.

PURPOSE: To authorize the City Manager or his designee, on behalf of the City, to accept federal grant funds up to the amount of \$3,749,711 from the Missouri Department of Economic Development (“DED”) to support construction of the Renew Jordan Creek – Main to Boonville Project (2019PW0073); to enter into an agreement with DED 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 \$3,749,711 to appropriate the federal grant funds.

BACKGROUND INFORMATION: Through the Department of the Treasury, DED Community Revitalization funds have been made available in the amount of \$100 million statewide with \$10 million allocated to southwest Missouri under House Bill 3020. Community Revitalization grant funds will be used toward construction of Renew Jordan Creek – Main to Boonville to create beautified greenspaces, public plazas for gathering and dining, and pedestrian trails. Once construction is completed, the Renew Jordan Creek Project will function as an economic and private development catalyst for this underutilized portion of downtown Springfield. The project will create various outdoor recreational amenities and quality of life improvements for the disproportionately impacted, low-income census tracts adjoining the project area, as well as provide connectivity to Ozark Greenways trail systems.

Resolution 10664 authorized the City to apply for State American Rescue Plan Act (“ARPA”) Community Revitalization Grant Program Funds from DED on November 14, 2022, in support of construction of Renew Jordan Creek. On March 23, 2023, DED awarded the City \$3,749,711 in ARPA Community Revitalization grant funds toward construction of eligible features of Renew Jordan Creek. A financial assistance agreement is included as "Exhibit A."

REMARKS: This Council Bill will authorize the City of Springfield to accept \$3,749,711



in DED ARPA Community Revitalization Program grant funds toward construction of Renew Jordan Creek. Matching funds for construction will be provided through City's 1/4 Cent Capital Improvement Sales Tax and Level Property Tax funds that have been budgeted for the project. 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:

Maurice S. Jones, Deputy City Manager 5/15/2023

Attachments:

1. Jordan Creek DED ARPA Grant_Ord
2. RJC DED ARPA Grant Agreement_Exh A
3. RJC DED ARPA Grant BA_Exh B

One-rdg. X
P. Hrngs.
Pgs. 33
Filed: 05-16-23

Sponsored by: Horton

First Reading:

Second Reading:

COUNCIL BILL 2023-116

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an agreement with the
2 Missouri Department of Economic Development for the purpose of
3 accepting federal American Rescue Plan Act grant funds to support
4 construction of the Renew Jordan Creek – Main to Boonville Project,
5 and to exercise any and all powers necessary to obtain such funding
6 and carry out the identified activities; amending the budget of the City
7 of Springfield for Fiscal Year 2022-2023 in the amount of \$3,749,711;
8 and declaring that this bill qualifies for approval in one reading.
9
10 _____

11 WHEREAS, City Council authorized the City Manager in Resolution 10664,
12 adopted on November 14, 2022, to apply with the Missouri Department of Economic
13 Development (“DED”) for American Rescue Plan Act (“ARPA”) Community
14 Revitalization Grant Program funds to be used for the Renew Jordan Creek – Main to
15 Boonville Project (2019PW0073); and
16

17 WHEREAS, the DED has awarded the City \$3,749,711 in ARPA Community
18 Revitalization Grant funds toward construction of eligible features of Renew Jordan
19 Creek; and
20

21 WHEREAS, matching funds for construction will be provided through the City’s
22 1/4-cent Capital Improvements Sales Tax and Level Property Tax funds that have been
23 budgeted for the project.
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 accept
29 grant funding in the amount of \$3,749,711 from the Missouri Department of Economic
30 Development for the purpose of constructing eligible features of the Renew Jordan
31 Creek project, and to do those things necessary to receive and disburse such funding
32 and carry out the identified activities, including entering into a Grant Agreement

substantially the same as the document attached hereto and incorporated herein by reference as "Exhibit A."

Section 2 – The budget of the City of Springfield for Fiscal Year 2022-2023 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 060, 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 above has been recommended by the City Manager.

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

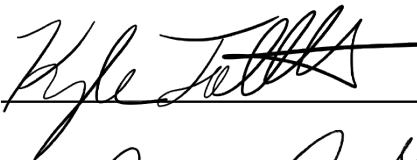
Section 5 – City Council hereby finds and declares that this Ordinance may be passed as a one-reading ordinance under City charter Section 2.16 (25) as it relates to a contract for the acceptance of grant funds from a state or federal agency. Therefore, this Ordinance shall be in full force and effect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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

GRANT AGREEMENT**Missouri ARPA Community Revitalization Grant Program**

This Grant (Subaward) Agreement ("Agreement") is entered into by and between the Department of Economic Development, an executive branch agency of the State of Missouri ("DED"), and Subrecipient (together with DED a "Party" or collectively the "Parties").

1. IDENTIFYING INFORMATION

A field with an asterisk (*) is a defined term in this Agreement.

SUBRECIPIENT*	PROJECT NAME
Springfield, City of	Renew Jordan Creek
STATE OF ORGANIZATION	TYPE OF ENTITY
MO	Missouri municipality
EIN	SAM.GOV UNIQUE ENTITY IDENTIFIER
446000268	VMKPNYHAL941
FEDERAL AWARD ID NUMBER	CFDA NUMBER AND NAME1111
SLFRP4542	21.027 Coronavirus State Fiscal Recovery Fund
MAXIMUM SUBAWARD*	COST SHARING RATIO*
\$3,749,711	1:1 (Program Funds:Local Match)
	MO CONTRACT NUMBER
	34200392
DATE OF AWARD*	PERIOD OF PERFORMANCE*
March 22, 2023	March 3, 2021 through September 30, 2026
NOTICE TO SUBRECIPIENT*	NOTICE TO DED*
Attn: Jason Gage Title: City Manager Street: 840 Boonville Avenue City, MO Zip: Springfield, MO 65802 Phone: 1-417-863-1006 Email: jgage@springfieldmo.gov	Department of Economic Development Attn: Bradley Clark Senior Grant Success Manager Federal Initiatives Mail: PO Box 1157 Jefferson City, MO 65102 Physical: 301 W. High Street, Suite 720 Jefferson City, MO 65101 Phone: 573/395-6055 Email: Bradley.Clark@ded.mo.gov

2. RECITALS

- 2.1. The federal American Rescue Plan Act of 2021 ("ARPA") (Pub. L. 117-2) established the Coronavirus State Fiscal Recovery Fund ("SFRF") ([42 U.S.C. § 802](#)), and appropriated \$195.3 billion to the U.S. Department of the Treasury ("Treasury") for payments to the states to respond to the Coronavirus Disease 2019 ("COVID-19") public health emergency or for various purposes, including "to respond to the negative economic impacts" of COVID-19."
- 2.2. The SFRF is further implemented by Treasury through regulations ([31 CFR part 35](#)) and other guidance.
- 2.3. The State of Missouri ("State") entered into an agreement with Treasury regarding the State's share of SFRF funding ("Treasury-State Grant Agreement").
- 2.4. The SFRF award to the State is over \$2.5 billion (separate from local government allocations).
- 2.5. The Missouri General Assembly appropriated, and the Governor approved, \$100,000,000 in SFRF funds to DED for community development and revitalization for State Fiscal Year 2023 (July 1, 2022 – June 30, 2023) (House Bill 3020, § 20.065, 2022).
- 2.6. DED established the Missouri ARPA Community Revitalization Grant Program, a competitive grant program ("Program"), to provide federal financial assistance for investments in communities in the State.
- 2.7. DED issued guidelines for the Program, and issued an updated version of the guidelines (September 28, 2022) when DED began accepting applications for the Program.
- 2.8. From September 28 to November 30, 2022, DED accepted applications from interested applicants.
- 2.9. DED issued Frequently Asked Questions for the Program on November 16, 2022 ("Program FAQs").
- 2.10. DED issued Administrative Policy FAQs applicable to the Program on December 13, 2022 ("Administrative FAQs").
- 2.11. Subrecipient submitted an application for a community revitalization project, and DED approved the project for funding.
- 2.12. The Parties wish to set forth their mutual expectations and obligations with respect to DED's Subaward to Subrecipient, and agree as follows:

3. DEFINITIONS

- 3.1. As used in this Agreement, capitalized terms have the meanings set forth in the introductory clause, section 1 (terms followed by an asterisk), section 2 of this Agreement, and as follows:

- (a) "Administrative FAQs" means the document that can be accessed from the DED ARPA webpage, specifically at <https://ded2.mo.gov/media/pdf/faqs-community-revitalization-workforce-training-and-tourism>, as may be amended from time to time, which is incorporated by reference as if fully set forth herein.
- (b) "Allowable Costs" has the meaning set forth in section 6 of this Agreement.
- (c) "Cost Sharing Ratio" means the amount of Local Match that Subrecipient must demonstrate to DED to receive payment of an amount of Program Funds, expressed as a ratio of dollars of Program Funds for each dollar of Local Match. For this Subaward, the Cost Sharing Ratio is set forth in section 1 of this Agreement. Cost Sharing Ratio is only for the purposes of payment rate of Program Funds, and does not alter the Maximum Subaward Amount or Subrecipient's Local Match obligation.
- (d) "Local Match" is the amount of funds for the Project that are not Program Funds, as set forth in Subrecipient's Application, which may be modified by Subrecipient's Final Project Budget, which is in Exhibit 4 to this Agreement.
- (e) "Program FAQs" means the document attached as Exhibit 3 to this Agreement, and described in section 2.9 of this Agreement.
- (f) "Program Funds" means the Federal Financial Assistance Subrecipient has or may receive from DED under this Agreement, which must not exceed the Maximum Subaward amount in section 1 of this Agreement. Program Funds consist of SFRF funds, pursuant to the Treasury-State Grant Agreement.
- (g) "Program Guidelines" means the document attached as Exhibit 1 to this Agreement, titled "Program Guidelines, Community Revitalization Grant Program".
- (h) "Project" means the community revitalization project as set forth in Subrecipient's Application, further identified by the Project Name in section 1 of this Agreement, modified, if applicable.
- (i) "Project Cost" has the meaning set forth in 2 CFR 200.1, and is the total Allowable Costs actually incurred for the Project.
- (j) "Request for Payment" means any DED form, whether paper or electronic, by which Subrecipient requests payment from the State/DED from Program Funds by providing required information and supporting documentation.
- (k) "RSMo" means the Revised Statutes of Missouri.
- (l) "Subaward" has the meaning set forth in 2 CFR 200.1, and is as described in the contract documents set forth in section 4 of this Agreement.
- (m) "Subrecipient" means the entity identified in section 1 of this Agreement, which is a subrecipient as that term is defined in 2 CFR 200.1.

- (n) "Subrecipient's Application", means the application form and supporting documentation received by DED from Subrecipient for the Program by which Subrecipient requested an award of federal financial assistance, further identified based on the Project Name specified in section 1 of this Agreement.
- (o) "Total Budgeted Amount" means the sum of the Maximum Subaward and the Local Match. The Total Budgeted Amount is a forward-looking amount, and may be a different amount than Project Cost, which is based on actual costs incurred for the Project.
- (p) "Treasury" means the U.S. Department of the Treasury, which is the awarding federal agency as that term is defined in 2 CFR 200.1.
- (q) "Treasury-State Grant Agreement" means the SFRF grant agreement described in section 2.3 of this Agreement and is the document attached as Exhibit 2 to this Agreement,
- (r) "Unallowable Cost" has the meaning as set forth in the Uniform Guidance, subpart E, and as set forth in section 6 of this Agreement.
- (s) "Uniform Guidance" means [2 CFR part 200](#), Uniform Administrative Requirements, Cost Principles, and Audit Requirements, adopted by Treasury pursuant to 2 CFR 1000.10.

4. THE CONTRACT DOCUMENTS

- 4.1. The contract between the Parties with respect to the grant of Program Funds to Subrecipient shall consist of:
 - (a) This Agreement, which includes the Program Guidelines (Exhibit 1), the Treasury-State Grant Agreement (Exhibit 2); the Program FAQs (Exhibit 3); Administrative FAQs (<https://ded2.mo.gov/media/pdf/faqs-community-revitalization-workforce-training-and-tourism>), and Subrecipient's Final Project Budget (Exhibit 4); and
 - (b) Subrecipient's Application, incorporated by reference as if attached to or fully set forth in this Agreement.

5. SUBRECIPIENT'S OBLIGATIONS

- 5.1. In entering into this Agreement, Subrecipient certifies that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the Project in compliance with this Agreement.
- 5.2. In addition to federal and state laws, regulations, and executive orders as set forth elsewhere in this Agreement, all of Subrecipient's activities under this Subaward must comply with all applicable requirements in:
 - (a) [42 U.S.C. § 802](#) (codification of SFRF from ARPA);
 - (b) Treasury SFRF regulations at [31 CFR part 35](#);

- (c) Supplementary Information to the SFRF Final Rule, [87 F.R. 4338-4446](#);
 - (d) Treasury SFRF guidance documents:
 - i. "[Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds](#)", Version 5.0 issued by Treasury on September 20, 2022, as may be amended from time to time;
 - ii. "[Coronavirus State and Local Fiscal Recovery Funds Final Rule Frequently Asked Questions](#)", most recently updated on July 27, 2022, as may be amended from time to time;
 - iii. "[Project and Expenditure Report User Guide, State and Local Fiscal Recovery Funds](#)", Version 4.0 issued by Treasury on October 12, 2022, as may be amended from time to time; and
 - iv. Any other guidance issued by Treasury regarding the SFRF.
 - (e) The Treasury-State Grant Agreement (Exhibit 2);
 - (f) Program Guidelines (Exhibit 1);
 - (g) Program FAQs (Exhibit 3); and
 - (h) Administrative FAQs.
- 5.3. Subrecipient must complete the Project by the end of the Period of Performance set forth in section 1 of this Agreement.
- 5.4. Subrecipient may use Program Funds only to carry out the activities for the Project as set forth in Subrecipient's Application and for no other purpose.
- 5.5. The Project must provide programs or services to eligible beneficiaries (see Exhibits 1 and 2) as set forth in Subrecipient's Application.
- 5.6. Subrecipient may only be reimbursed by DED with Program Funds for Allowable Costs.
- 5.7. Any publications produced with funds from this Subaward must display the following language: "This product [is being] [was] supported, in whole or in part, by federal award number SLFRP4542 awarded to the State of Missouri by the U.S. Department of the Treasury."

6. COST PRINCIPLES

- 6.1. Allowable Costs will be determined based on the following:
- (a) Subpart E of the Uniform Guidance, Cost Principles, including but not limited to:
 - i. The cost is necessary for Subrecipient to carry out the Project;
 - ii. The cost must not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost;
 - iii. The cost must have been incurred directly or indirectly to carry out the Project; and

- iv. The cost must be adequately documented;
- (b) The cost must be incurred by Subrecipient prior to the end of the Period of Performance; and
 - i. For the purposes of meeting Local Match, costs cannot be incurred earlier than the beginning of the Period of Performance; and
 - ii. For the purposes of receiving Program Funds from DED for incurred or paid costs, costs cannot be incurred earlier than the Date of Award;
- (c) The cost must be included in the Subrecipient's Final Project Budget (Exhibit 4);
- (d) Contingency costs will be Allowable Costs only if included in Subrecipient's Application;
- (e) Subaward administrative costs will be allowable costs only if included in Subrecipient's Application and in Subrecipient's Final Project Budget (Exhibit 4), and such costs must not exceed the maximum amount as set forth in the Program Guidelines.
- (f) The cost is not an Unallowable Cost, which includes, but is not limited to, the following:
 - i. Costs incurred by Subrecipient outside of the time periods set forth in section 6.1 (b), except for Subaward administrative costs incurred relating to close-out of an award;
 - ii. Costs that will be reimbursed by other federal, state, or local funding;
 - iii. Costs as set forth in the Program Guidelines, Program FAQs, or Administrative FAQs as an ineligible project cost;
 - iv. Indirect costs;
 - v. Costs that are not allowable under Subpart E of the Uniform Guidance, Cost Principles, including but not limited to exclusions of selected items of cost in 2 CFR 200.420-.476; and
 - vi. Costs of prohibited lobbying activities, as set forth in 2 CFR 200.450 (see certification in section 13.1 (g) of this Agreement).

7. LOCAL MATCH

- (a) Subrecipient's Application, as modified by Subrecipient's Final Project Budget (Exhibit 4), includes a voluntary cost sharing commitment (see 2 CFR 200.1), or Subrecipient must meet its commitment (the "Local Match") as set forth in this Agreement.
- (b) Subrecipient's Local Match voluntary cost sharing commitment in Subrecipient's Application was based on anticipated total project costs (the Total Budgeted Amount). Accordingly, Subrecipient's voluntary cost sharing commitment shall be determined as follows:

- i. If actual Allowable Costs for the Project are less than the Total Budgeted Amount (e.g., the Project is completed at lower costs than anticipated), Subrecipient's voluntary cost sharing commitment under this Agreement shall be the product of the Cost Sharing Ratio and the actual Allowable Costs for the Project.
- ii. If actual Allowable Costs for the Project exceed the Total Budgeted Amount, the Program Funds with which DED may reimburse Subrecipient cannot exceed the Maximum Subaward amount in section 1 of this Agreement.
- (c) Subrecipient's failure to meet its Local Match may result in DED assigning specific award conditions or taking other action as authorized in section 14 of this Agreement.
- (d) As stated in section 6.1 (b), Subrecipient's Local Match must be met from otherwise Allowable Costs incurred during the Period of Performance.
- (e) Subrecipient's Local Match must comply with 2 CFR 200.306.
- (f) Unrecovered indirect costs are not allowed to meet the Local Match.
- (g) Subrecipient must create and maintain sufficient records demonstrating that it is meeting or has met its Local Match requirement, to facilitate questions and audits.
- (h) Subrecipient must submit records to DED showing how it has met its Local Match according to the Cost Sharing Ratio, in order to receive payment under section 8 of this Agreement.

8. PROGRAM FUNDS PAYMENT

- 8.1. Subrecipient will receive no Program Funds from DED until it has successfully registered for and received:
 - (a) A SAM.gov Unique Entity Identifier and provided the number to DED; and
 - (b) A vendor number from Missouri's SAM II vendor registration system.
- 8.2. Subrecipient may submit Requests for Funds to DED with all necessary supporting documentation, including invoices, by using an electronic interface designated by DED, which will require Subrecipient to have the ability to upload electronic copies of documents.
 - (a) Each invoice shall clearly and accurately detail all of the following required information (calculations must be extended and totaled correctly):
 - i. Invoice/reference number (assigned by Subrecipient);
 - ii. Invoice date;
 - iii. Invoice period (to which the reimbursement request is applicable);
 - iv. MO Contract Number (from section 1 of this Agreement);

- v. Recipient/Pass-through Entity: State of Missouri, Department of Economic Development;
 - vi. Subrecipient name;
 - vii. Subrecipient remittance address;
 - viii. Subrecipient contact for invoice questions (name, phone, and email, if available); and
 - ix. Itemization of payment requested for the invoice period detailing, at minimum, all of the following:
 - a. The amount requested by Subaward budget line-item;
 - b. The amount paid by Subaward budget line-item to date;
 - c. The total amount paid under this Agreement to date; and
 - d. The total amount requested (all line-items) for the invoice period;
 - (b) Subrecipient has agreed to a Local Match pursuant to section 7.1 of this Agreement. With each request for payment to DED, Subrecipient must submit documents enabling DED to ensure it is paying Subrecipient with Program Funds according to the Cost Sharing Ratio in section 1 of this Agreement. For example, if the Cost Sharing Ratio is 1:1, for every dollar requested in Program Funds, Subrecipient must demonstrate to DED that it has expended one dollar in Local Match; and
 - (c) If total payments to Subrecipient under this Agreement exceed the Maximum Subaward amount, Subrecipient must refund the excess amount to DED.
- 8.3. Requests for Program Funds must be submitted only by a person authorized to submit a Request according to Subrecipient's internal control processes. A form will be provided by DED for Subrecipient to designate who is authorized to submit Requests for Program Funds.
- 8.4. Subrecipient shall submit Requests for Program Funds no more than once a month, unless the amount exceeds \$10,000.
- 8.5. Requests for Program Funds can be of two types:
- (a) Reimbursement of Costs Paid. The cost reimbursement method of payment consists of the payment of Program Funds to the Subrecipient based on actual expenditures for which the Subrecipient paid.
 - i. Supporting documentation may include invoices, paid bills, purchase vouchers, payrolls, copies of checks, contractor pay applications, etc.
 - ii. All vouchers/invoices should be on contractor's/vendors' letterhead.
 - iii. Source documentation should explain the basis of the costs incurred and the actual dates of the expenditure.

- iv. Reimbursement of costs paid is the preferred method of payment of Funds by DED.
 - (b) Advance payment. The Subrecipient may request Program Funds for incurred costs that the Subrecipient is unable to pay in advance of receiving Program Funds from DED.
 - i. Supporting documentation includes invoices or similar documentation. Subrecipient must explain in its Request for Payment why it cannot proceed with the reimbursement of costs method.
 - ii. During monitoring by DED, the Subrecipient must provide supporting documentation that the incurred costs were paid within three business days of receipt of Program Funds by DED (the "Three-Day Rule"). Documents of this include bank statements or cancelled checks.
 - (c) Subrecipient may use both types of Request for Payment, depending on the costs at issue.
- 8.6. If Subrecipient's budget includes grant administrative costs, such costs shall not exceed the amounts in the Program Guidelines.
- (a) Subrecipient's grant administration costs shall be paid by DED as a set percentage of each Request for Payment.
- 8.7. Upon review and approval of Subrecipient's Request for Funds, DED shall pay Subrecipient's Allowable Costs with Program Funds, not to exceed the Maximum Subaward amount in section 1 of this Agreement. As stated in section 6.1(b), costs incurred prior to the Date of Award are not eligible for Program Funds.
- 8.8. Subrecipient must submit its final Request for Funds to DED no later than the end of the Period of Performance. DED will not reimburse a Request for Funds received after this date.
- 8.9. DED is not liable for any of Subrecipient's obligations, expenditures, or commitments in any amount in excess of the Maximum Subaward amount in section 1 of this Agreement.
- 8.10. Any reimbursements to Subrecipient will be subject to reduction for amounts included in any invoice or payment that are determined by DED, on the basis of audits or monitoring, to constitute Disallowed Costs in accordance with the Cost Principles of subpart E of the Uniform Guidance and as set forth elsewhere in this Agreement.
- 8.11. An initial payment by DED will not be construed as a final determination by DED that the costs are Allowable Costs.

- 8.12. As provided in the Treasury-State Grant Agreement, any funds paid to the Subrecipient (1) in excess of the amount to which Subrecipient is finally determined to be authorized to retain under the terms of this Subaward; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to 42 U.S.C. § 802(e) and have not been repaid by the State shall constitute a debt owed by the State to the federal government.
- (a) In such instance, the funds constituting the State's debt to the federal government shall also constitute Subrecipient's debt to the State. Debts owed by Subrecipient to the State must be paid promptly by Subrecipient to the State. A debt owed to the State by Subrecipient under this Agreement is delinquent if it has not been paid by the date specified in the State's initial demand for payment, unless other satisfactory arrangements have been made or if Subrecipient knowingly or improperly retains funds that are a debt as defined in this section 8.12.
 - (b) The State will take any actions available to it to collect such a debt, including but not limited to actions available to it under section 15 of this Agreement. The rights of the State as expressed in this section 8.12 are in addition to, and do not imply the exclusion of, any other rights the State may have under applicable law to collect a debt or seek damages from Subrecipient.

9. REPORTING

- 9.1. Subrecipient agrees to comply with any reporting obligations established by Treasury or DED, as it relates to this subaward. In the case of an additional reporting obligation imposed by DED under 2 CFR 200.332(a)(3), this Agreement shall be amended.
- 9.2. DED/the State must submit two types of reports to Treasury: quarterly project and expenditure reports and annual performance reports.
- 9.3. **Quarterly Project and Expenditure Reports**
- (a) DED/the State must submit quarterly project and expenditure reports ("Quarterly Reports") to Treasury.
 - (b) Subrecipient agrees to provide DED with the data, information, and documents set forth in section 9.3(f) of this Agreement on the following dates each year: March 1, June 1, September 1, and December 1.
 - (c) Subrecipient agrees to provide the data, information, and documents for the Quarterly Reports in a format designated by DED, which is expected to be using the Submittable® platform similar to how Subrecipient applied for the Program.

- (d) The data, information, and document requirements for the quarterly report in section 9.3(f) of this Agreement are based on information in the following Treasury documents:
- i. Treasury's SFRF [Compliance and Reporting Guidance](#) (Version 5.0, September 20, 2022), as may be amended from time to time; and
 - ii. Treasury's SFRF [Project and Expenditure Report User Guide](#) (Version 6, April 1, 2023), as may be amended from time to time.
- (e) Subrecipient agrees that if Treasury modifies its quarterly project and expenditure reporting requirements under SFRF, Subrecipient will provide additional reporting required by Treasury of DED/the State for the Project.
- (f) Based on the Treasury guidance in section 9.3(d) of this Agreement, Subrecipient agrees to provide the following information to DED/the State for the Quarterly Reports:

(1)	Project name, basic description, project expenditure category
(2)	Project completion status (not started, less than 50% complete, 50% or more complete, completed)
(3)	Project obligations and expenditures (current period and cumulative)
(4)	Program income (if applicable)
(5)	Total approved/adopted budget for Project (all sources)
(6)	Project Demographic Distribution (a) What Impacted and/or Disproportionally Impacted population does this project primarily serve? (b) If this project primarily serves more than one Impacted and/or Disproportionately Impacted population, identify the two additional populations served
(7)	Number of beneficiaries (e.g., households, persons, families) per eligible beneficiary category
(8)	Number of affordable housing units preserved or developed (if applicable)
(9)	For construction projects: (a) Projected and actual construction start date (b) Projected and actual construction completion date (c) Projected and actual initiation of operations date (d) If construction completed but operations have not begun, an explanation
(10)	Information as set forth in section 10 of this Agreement, if applicable
(11)	Other information as reasonably required by DED
(12)	Any other information required by Treasury

9.4. Annual Recovery Plan Performance Report.

- (a) DED/the State must submit Recovery Plan Performance Reports annually covering each July 1-June 30 fiscal year for 2022 through 2026. Those reports are due to Treasury by the July 31 following the end of the applicable fiscal year. The final Recovery Plan Performance Report (July 1, 2026-Dec. 31, 2026) is due to Treasury April 30, 2027. The annual reports required are:
- (b) Information about the contents of the Recovery Plan Performance Report are in the [SFRF Compliance and Reporting Guidance](#), pp. 34-40, in Treasury's [Recovery Plan Reporting User Guide](#) (Version 2.0, July 1, 2022) and Treasury has a suggested template (for the State) at the [SFRF Compliance and Reporting webpage](#) titled "Recovery Plan Template".
- (c) In order for DED/the State to be able to timely file its Annual Performance Reports with Treasury, Subrecipient agrees to provide DED/the State with any required data, information, and documents to be included in the Annual Performance Reports no later than February 28, 2027.
- (d) DED will make all efforts to use the Quarterly Reports to create the Annual Performance Reports in lieu of potentially duplicative reporting, but reserves the right to request updated information if necessary to comply with Treasury's requirements.

9.5. Per 31 CFR 35.4, Treasury may request other additional information, in addition to regular reporting as may be necessary or appropriate, including as may be necessary to prevent evasions of the requirements of 31 CFR 35.1 to 35.12. Subrecipient agrees to cooperate with DED/the State and provide any information requested by Treasury.

10. STRONG LABOR PRACTICES IN CONSTRUCTION

- 10.1. Treasury encourages the use of strong labor practices for capital expenditure projects funded by SFRF in order to ensure projects produce high-quality infrastructure, avert disruptive and costly delays, and promote efficiency.
- 10.2. If the Project has a Total Approved Budget amount greater than \$10 million, then the following requirements apply to the Project:
 - (a) Subrecipient must provide, if it did not do so in Subrecipient's Application, a certification that, for the Project, all laborers and mechanics employed by contractors and subcontractors in the performance of the Project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State in which the work is to be performed, or by the appropriate State entity pursuant

to a corollary State prevailing-wage-in-construction law (commonly known as “baby Davis-Bacon Acts”);

- (b) Subrecipient must provide, if it did not do so in Subrecipient's Application, a Project workforce continuity plan detailing:
 - i. How Subrecipient will ensure the Project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the Project, including a description of any required professional certifications and/or in-house training, registered apprenticeships or labor-management partnership training programs, and partnerships like unions, community colleges, or community-based groups;
 - ii. How Subrecipient will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the Project;
 - iii. How Subrecipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30);
 - iv. Whether workers on the Project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market; and
 - v. Whether the Project has completed a project labor agreement, meaning a prehire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. § 158(f));
- (c) Subrecipient must report to DED, if it did not do so in Subrecipient's Application, whether the Project prioritizes local hires; and
- (d) Subrecipient must report to DED, if it did not do so in Subrecipient's Application, whether the Project has a community benefits agreement, and if so, must provide a description of any such agreement. A community benefits agreement is a contract between one or more community-based organizations (these may be composed of non-profits, faith-based organizations, labor groups, and others representing the interests of a community) and Subrecipient identifying a range of community benefits Subrecipient agrees to provide as part of the Project, in return for the community's support of the Project.
- (e) Subrecipient must maintain sufficient records to substantiate the information in section 10.2(a)–(d) of this Agreement.
- (f) Subrecipient must provide any updated reporting on the information in section 10.2(a)–(d) of this Agreement required by Treasury as part of DED/the State's reporting obligations, as described in section 9 of this Agreement.

11. MONITORING AND CLOSEOUT

- 11.1. DED will monitor the Project to evaluate Subrecipient's compliance with Federal statutes, regulations and the terms of this Agreement, and will take prompt action when instances of noncompliance are identified.
 - (a) Monitoring and oversight may be in the form of site visits or desk reviews. DED will notify Subrecipient in advance of any site visits.
- 11.2. Subrecipient must submit to DED all Project closeout documents no later than sixty (60) days after the end of the Period of Performance, so that DED can submit its closeout documents to Treasury, as set forth in 2 CFR 200.344.
- 11.3. Closeout will be conducted pursuant to the Uniform Guidance and the Subrecipient shall have continuing responsibilities as set forth in 2 CFR 200.345.

12. RECORD RETENTION AND ACCESS

- 12.1. Subrecipient must establish and maintain records, including financial documents, sufficient to enable DED to determine whether Subrecipient has complied with the terms of this Agreement, and to assist DED in meeting its recordkeeping requirements. Such records may include, but are not limited to:
 - (a) Records documenting compliance with 42 U.S.C. § 802, Treasury SFRF regulations at 31 CFR part 35; Supplementary Information to the Final SFRF Rule, 87 F.R. 4338-4446; Treasury Guidance as described in sections 5.2(d) of this Agreement, and other terms of this Agreement (2 CFR 200.302(a));
 - (b) Records sufficient to permit, as stated in 2 CFR 200.302(a):
 - i. The preparation of reports required by general and program-specific terms;
 - ii. The tracing of funds to a level of expenditures adequate to establish that such funds have been used according to Federal statutes, regulations, and the terms of this Agreement; and
 - (c) Records allowing DED to establish and demonstrate that the requirements of 2 CFR 200.302(b) are met with respect to the Project.
- 12.2. Subrecipient must retain all of its records relating to this Subaward, including supporting documentation, for five (5) years from the date of DED's closeout of this Subaward, unless a longer period is required as set forth in the exceptions in 2 CFR 200.334.
- 12.3. Subrecipient must give the State, DED, Treasury, Treasury's Office of the Inspector General, the Government Accountability Office, the Missouri State Auditor, and their authorized representatives, access to any records (electronic and otherwise) of Subrecipient related to this Subaward in order to conduct inspections, audits, or other investigations. Subrecipient must also give timely and reasonable access to its personnel for the purpose of interview and discussion related to such records.

13. ADDITIONAL PASS-THROUGH REQUIREMENTS

13.1. Pursuant to the Treasury-State Grant Agreement, the federal laws and regulations that apply to this Subaward include:

- (a) Other than such provisions as Treasury may determine are inapplicable to this Subaward, and subject to such exceptions as may be otherwise provided by Treasury, this Subaward is subject to the Uniform Guidance ([2 CFR part 200](#)). Subpart F – Audit Requirements of Uniform Guidance, implementing the Single Audit Act, shall apply to this Subaward. Subrecipient must perform this Agreement in compliance with the applicable provisions of the entirety of the Uniform Guidance, not just provisions specifically referenced in this Agreement;
- (b) Universal Identifier and System for Award Management ("SAM"), [2 CFR part 25](#), pursuant to which the award term set forth at [Appendix A to 2 CFR part 25](#) is hereby incorporated by reference;
- (c) Reporting Subaward and Executive Compensation Information, [2 CFR part 170](#), pursuant to which the award term set forth at [Appendix A to 2 CFR part 170](#) is hereby incorporated by reference;
- (d) OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement), [2 CFR part 180](#), and Treasury's implementing regulation at [31 CFR part 19](#), including both the requirement to comply with [31 CFR part 19's subpart C](#) as a condition of participation in this transaction, and the requirement to pass the requirement to comply with that subpart to each person with whom the participant enters into a covered transaction at the next lower tier;
 - i. Subrecipient hereby reaffirms its statements in the "Certification Regarding Debarment and Suspension" submitted with Subrecipient's Application.
- (e) Recipient Integrity and Performance Matters, pursuant to which the award term set forth at [2 CFR part 200, Appendix XII](#), is hereby incorporated by reference;
- (f) Government-wide Requirements for Drug-Free Workplace, [31 CFR part 20](#);
- (g) New Restrictions on Lobbying, [31 CFR part 21](#);

If the Maximum Subaward amount in section 1 of this Agreement exceeds \$100,000, Subrecipient certifies, to the best of its knowledge and belief, that:

- i. No Federal appropriated funds have been paid or will be paid, by or on behalf of Subrecipient, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any

cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

- ii. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Subrecipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- iii. Subrecipient must require that this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- (h) Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, as amended ([42 U.S.C. §§ 4601–4655](#)) and implementing regulations;
- (i) Federal statutes, regulations, and federal executive orders prohibiting discrimination applicable to this Subaward include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964, as amended ([42 U.S.C. §§ 2000d et seq.](#)) and Treasury's implementing regulations at [31 CFR part 22](#), and the government-wide regulations contained in [28 CFR part 42](#), subparts C and F, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
 - ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended ([42 U.S.C. §§ 3601 et seq.](#)) which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended ([29 U.S.C. § 794](#)), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance; and
 - iv. The Age Discrimination Act of 1975, as amended ([42 U.S.C. §§ 6101-6107](#)) and Treasury's implementing regulations at [31 CFR part 23](#), which prohibit

discrimination on the basis of age in programs or activities receiving federal financial assistance; and

- v. Title II of the Americans with Disabilities Act of 1990, as amended ([42 U.S.C. §§ 12101 et seq.](#)), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

13.2. Pursuant to the Treasury-State Grant Agreement, as a condition of receiving ARPA federal financial assistance, Subrecipient provides the following assurances:

- (a) Subrecipient ensures its current and future compliance with applicable provisions of Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal funds, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by Treasury Title VI regulations at 31 CFR part 22 and other pertinent executive orders such as federal Executive Order 13166; directives; circulars; policies; memoranda and/or guidance documents.
- (b) Subrecipient acknowledges that [federal Executive Order 13166](#), "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English Proficiency ("LEP"). Subrecipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and Treasury's implementing regulations. Accordingly, Subrecipient must initiate reasonable steps, or comply with Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Subrecipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in Subrecipient's programs, services, and activities.
- (c) Subrecipient agrees to consider the need for language services for LEP persons during development of applicable budgets and when conducting programs, services, and activities. As a resource, Treasury has published its LEP guidance at 70 FR 6067. For more information on LEP, please visit <http://www.lep.gov>.
- (d) Subrecipient acknowledges and agrees that compliance with this assurance constitutes a condition of continued receipt of federal financial assistance and is binding upon Subrecipient and Subrecipient's successors, transferees, and assignees for the period in which such assistance is provided.

- (e) Subrecipient acknowledges and agrees that it must require any contractors, subcontractors, successors, transferees, and assignees to comply with the assurances in (a) through (d) above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Subrecipient and any contractor, subcontractor, successor, transferee, and assignee:

The contractors, subcontractors, successors, transferees, and assignees shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR part 22, which are herein incorporated by reference and made a part of this agreement. Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations 31 CFR part 22, and herein incorporated by reference and made a part of this agreement.

- (f) Subrecipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of Treasury, this assurance obligates the Subrecipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Subrecipient for the period during which it retains ownership or possession of the property.
- (g) Subrecipient shall cooperate in any enforcement or compliance review activities by Treasury or the State of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. That is, Subrecipient shall comply with information requests, on-site compliance review, and reporting requirements.
- (h) Subrecipient must maintain and provide to applicants, beneficiaries, their representatives, or any other party requesting the same, information on how to file a Title VI complaint of discrimination with the State.
- (i) Subrecipient must provide to the State documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address

the non-compliance, including any voluntary compliance or other agreements between Subrecipient and the administrative agency that makes any such finding. If Subrecipient settles a case or matter alleging such discrimination, Subrecipient must provide to the State documentation of the settlement. If Subrecipient has not been the subject of any court or administrative agency finding of discrimination, Subrecipient shall so state.

- (j) The United States of America has the right to seek judicial enforcement of the terms of this assurances section 13.2 and nothing in this section 13.2 alters or limits the federal enforcement measures that the United States may take in order to address violations of this section 13.2 or applicable federal law.
- 13.3. Subrecipient agrees to comply, if applicable, with requirements of the Hatch Act (5 U.S.C. §§ [1501–1508](#) and [7324–7326](#)), which limits certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
- 13.4. Subrecipient understands that making false statements or claims in connection with this Subaward is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
- 13.5. Pursuant to the Treasury-State Grant Agreement, and federal Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Subrecipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.
- 13.6. Pursuant to the Treasury-State Grant Agreements, and federal Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), the State encourages the Subrecipient to adopt and enforce policies that ban text messaging while driving.
- 13.7. Subrecipient understands and agrees that it is a Non-Federal Entity as defined in 2 CFR 200.1, it must maintain a conflict of interest policy consistent with 2 CFR 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this Subaward. Subrecipients must disclose in writing to Treasury or DED/the State, as appropriate, any potential conflict of interest affecting the Program Funds in accordance with 2 CFR 200.112.
- 13.8. Subrecipient must provide for compliance with the applicable requirements of the laws, regulations, and Treasury guidance in section 5.2 of this Agreement, and with the provisions in sections 13.1 and 13.2 of this Agreement by other parties in any agreements it enters into with other parties relating to this Subaward.

- 13.9. In the Treasury-State Grant Agreement, Treasury provides that the United States expressly disclaims any and all responsibility or liability to the State or third persons for the actions of the State or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this Subaward or any other losses resulting in any way from the performance of this Subaward or any contract or subcontract under this Subaward. Furthermore, in the Treasury-State Grant Agreement, Treasury also states that the acceptance of the award by the State does not in any way establish an agency relationship between the United States and the State. This disclaimer applies with equal force to this Subaward.
- 13.10. In accordance with [41 U.S.C. § 4712](#), Subrecipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

The list of persons and entities referenced in the statement above includes the following:

- (a) A member of Congress or a representative of a committee of Congress;
- (b) An Inspector General;
- (c) The Government Accountability Office;
- (d) A Treasury employee responsible for contract or grant oversight or management;
- (e) An authorized official of the Department of Justice or other law enforcement agency;
- (f) A court or grand jury;
- (g) A management official or other employee of the State, DED, or the Subrecipient who has the responsibility to investigate, discover, or address misconduct.

Subrecipient must inform its employees in writing of the rights and remedies provided under this section 13.10, in the predominant native language of the workforce.

14. EFFECTIVE DATE AND TERMINATION

- 14.1. This Agreement shall become effective upon the last signature after full execution by both Parties.

- 14.2. This Agreement shall terminate automatically 60 days after DED completes closeout of this Subaward.
- 14.3. Upon termination, sections 1, 2, 3, 4, 11.3, 12, and 15 of this Agreement shall survive and continue in force.

15. DEFAULT AND REMEDIES

- 15.1. Subrecipient's knowing misrepresentation of a material fact to DED, whether in Subrecipient's Application, this Agreement, a Request for Payment, or in any communication or document in connection with the Program, is a default event, in which case DED may cancel this Subaward, and Subrecipient shall have no right or claim to this Subaward and shall forfeit and repay the Program Funds received by Subrecipient under this Subaward, plus any program income attributable to the Program Funds.
 - (a) For the purposes of this section 15.1 of this Agreement, "knowing" means Subrecipient's shareholders, directors, officers, and other employees know or should have known, after reasonable investigation.
- 15.2. Subrecipient's failure to perform the work in accordance with the terms of this Agreement, maintain satisfactory performance as determined by DED, or otherwise comply with the terms of this Agreement is a default event, in which case DED may take one or more of the following actions:
 - (a) The imposition of additional award conditions in accordance with 2 CFR 200.208 (Specific conditions), if necessary to cure a default event under this Agreement;
 - (b) Temporarily withholding Program Funds pending the correction of the deficiency;
 - (c) The disallowance of costs and the establishment of an accounts receivable;
 - (d) Restricting Subrecipient to receiving Program Funds only through a cost reimbursement method, as described in section 8.4(a) of this Agreement.
 - (e) Wholly or partially suspending or terminating the Subaward and this Agreement;
 - (f) Require Subrecipient to return to DED any Program Funds used for ineligible purposes or unallowable costs;
 - (g) Initiating suspension or debarment proceedings in accordance with 2 CFR parts 180 and 1326; and
 - (h) Such other remedies as may be legally available.
- 15.3. 2 CFR 200.340 (Termination) through 200.343 (Effects of suspension and termination) apply to this Subaward if it is terminated prior to the date in section 13.1 of this Agreement.

16. STANDARD TERMS

- 16.1. **Federal Laws and Regulations.** This Agreement is subject to the laws and regulations of the United States. Subrecipient must comply with all applicable requirements of all Federal laws, regulations, executive orders, and policies governing the Program in addition to those specifically stated in this Agreement.
- 16.2. **State Laws and Regulations.** This Agreement is subject to the laws and regulations of the State of Missouri. Subrecipient must comply with all applicable requirements of all Missouri laws, regulations, executive orders, and policies governing the Program in addition to those specifically stated in this Agreement.
- 16.3. **Ongoing Representations.** All statements and representations by Subrecipient in Subrecipient's Application, this Agreement, any Request for Payment, or in any other writing delivered in connection with the performance of the Subaward or this Agreement, shall survive the signing and delivery thereof and shall be continuing representations unless and until revised by Subrecipient in a writing delivered to DED.
- 16.4. **Subrecipient Status.** Subrecipient shall not represent Subrecipient or Subrecipient's employees to be employees of DED or the State.
- 16.5. **IRC 501(c) Subrecipients.** If Subrecipient is an entity exempt from federal income tax under Section 501 (c) of the Internal Revenue Code of 1986, as amended:
- (a) Subrecipient understands and agrees that in the course of performing the Project, including reporting on the Project and in the State's/DED's monitoring of the Project, it will provide information to the State, DED, their employees and officials, just as any non-IRC 501 (c) subrecipient would.
 - (b) Subrecipient understands that this information may include "personal information" as that term is defined in [§ 105.1500 RSMo](#) ("Personal Information"),
 - (c) Subrecipient represents that it voluntarily applied for this Program with the understanding that it may need to provide Personal Information not only in Subrecipient's Application, but also from time-to-time in the course of the Project due to reporting on and monitoring of the Subaward, just as any non-IRC 501 (c) subrecipient would.
 - (d) Subrecipient hereby waives any right it may have under § 105.1500 RSMo to claim that the State, DED, their employees and officials are requiring or otherwise compelling Applicant to release any such information.
 - (e) Subrecipient further understands that the State and DED may retain records received from Subrecipient that contain personal information, and that the State, DED, and their employees and officials may, just as they would with any non-IRC 501 (c) subrecipient, share the records, including Subrecipient's

Application, with contractors and members of any review or advisory committee for the following purposes:

- i. Determining eligibility and qualifications of applicants;
- ii. Scoring applications;
- iii. Ranking applications;
- iv. Reviewing and advising on recommended awards;
- v. Conducting risk assessments on awarded projects; and
- vi. Monitoring and conducting closeout on awarded projects.

- (f) Subrecipient further understands that members of the Missouri General Assembly may request information regarding the Program, including applicants, applications, and other information that may include Personal Information.
- (g) Subrecipient hereby waives any right it may have under § 105.1500 RSMo to claim that the State, DED, their employees and officials, in releasing information as described in sections 16.5(e) and (f), are releasing, publicizing, or otherwise publicly disclosing Personal Information.

16.6. **Subrecipient's Vendors, Contractors, and Subcontractors**

- (a) Subrecipient shall not enter into a contract with any vendor, contractor, or subcontractor that is suspended or debarred by the State (check <https://purch.oa.mo.gov/media/pdf/suspendeddebarred-vendors> and <https://oa.mo.gov/facilities/project-management/debarred-contractors>).
- (b) Subrecipient must ensure that its vendors, contractors, or subcontractors are registered and in good standing with the State of Missouri by checking the entity on the [Missouri Secretary of State's business entity search](#) or by requiring a copy of a certificate of good standing.

16.7. **Authorized Employees – Federal Law.** Subrecipient must comply with the Immigration Reform and Control Act, 8 U.S.C. § 1324a et seq., which prohibits employers from hiring and employing an individual for employment in the U.S. knowing that the individual is not authorized with respect to such employment.

16.8. **Authorized Employees – Missouri Law.** Pursuant to § 285.530.1 RSMo, Subrecipient must not knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Missouri.

- (c) Subrecipient submitted with an Affidavit and the Employment Eligibility Verification Program ("E-Verify") Memorandum of Understanding that it will use for employees with Subrecipient's Application to DED.
- (d) Subrecipient hereby reaffirms its enrollment and participation in E-Verify with respect to the employees working in connection with this Agreement.

- 16.9. **Funds Availability.** Funding for this Agreement must be appropriated by the Missouri General Assembly and approved by the Governor for each fiscal year in which Subrecipient submits Requests for Reimbursement to DED. Therefore, this Agreement shall not be binding upon DED for any period in which funds have not been appropriated or approved, and DED shall not be liable for any damages or costs, including attorney's fees, associated with cancellation caused by such unavailability of funds.
- 16.10. **Notices.** All instructions, notices, consents, demands, or other communications required or contemplated by this Agreement shall be in writing and addressed as set forth in Notice to Subrecipient and Notice to DED in section 1 of this Agreement.
- (a) Notwithstanding section 16.11 of this Agreement to the contrary, DED and Subrecipient may from time to time designate, unilaterally and by written notice given under this section to the other, additional or substitute contact information.
- (b) All instructions, notices, consents, demands, or other communications shall be considered effectively given upon receipt or recipient confirmation of receipt, whichever occurs first.
- 16.11. **Amendments.** This Agreement may be amended, supplemented, reduced, or superseded only by a writing executed by the Parties.
- 16.12. **Interpretation.** In this Agreement, unless the context otherwise reasonably requires:
- (a) Headings are for reference purposes only and shall not alter the interpretation of this Agreement;
- (b) Words importing the singular may include the plural and vice versa, as reasonably required by context;
- (c) References to any document include references to such document as amended, novated, supplemented, varied, or replaced from time to time;
- (d) References to a statute, regulation, federal notice, or executive order means such statute, regulation, federal notice, or executive order as amended from time to time; and
- (e) References to a party to this Agreement includes that Party's legal successors (including but not limited to executors and administrators) and permitted assigns.
- 16.13. **Governing Law.** The validity, interpretation, construction and performance of this Agreement shall be governed by the laws of the State of Missouri.

- 16.14. **Consent to Jurisdiction.** Any legal action or proceeding with respect to this Agreement shall be brought in the courts of the State of Missouri in Cole County, Missouri, or of the United States District Court for the Western District of Missouri, and by signing and delivering this Agreement to DED, Subrecipient hereby voluntarily and irrevocably accepts, generally and unconditionally, to the personal jurisdiction of the aforesaid courts.
- 16.15. **No Assignment.** Subrecipient shall not assign, including by merger (if Subrecipient is the disappearing entity), consolidation, dissolution, or operation of law, any of its rights or obligations under this Agreement, except with the prior written consent of DED. Any purported transfer in violation of this section 16.15 will be void.
- 16.16. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the Parties and their respective authorized successors and assigns.
- 16.17. **No Third Party Beneficiaries.** This Agreement does not contemplate any third-party beneficiaries, nor shall it be construed to create any legal right nor authorize a cause of action by any person who is not a Party.
- 16.18. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable, the validity and enforceability of the remaining provisions shall not be affected.
- 16.19. **Legal Capacity.** The signatories to this Agreement on behalf of the Parties represent that they have full capacity and authorization to sign this Agreement and bind their respective Parties.
- 16.20. **No Violation of other Contracts.** The signing, delivery, and performance of this Agreement by Subrecipient will not violate, conflict with, require consent under, or result in any breach or default under the provisions of any material contract or agreement to which Subrecipient is a party.
- 16.21. **Licenses, Permits, and Approvals.** Subrecipient has obtained, or is capable of obtaining, all material licenses, authorizations, approvals, consents, or permits required by applicable laws to conduct its business generally and to perform its obligations under this Agreement.
- 16.22. **Counterparts.** This Agreement may be signed by the Parties in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

- 16.23. **Electronic Signatures.** The Parties agree that electronic signatures, whether digital or encrypted, of the Parties are intended to authenticate this writing and have the same force and effect as a wet signature. Delivery of a copy of this Agreement or any amendment to this Agreement bearing a wet or electronic signature by electronic mail in "portable document format" (".pdf") form, or by any other electronic means intended to preserve the original graphic and pictorial appearance of a document, will have the same effect as physical delivery of the paper document bearing a wet or electronic signature.
- 16.24. **Electronic Documents.** Any document generated by the Parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither Party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

17. ENTIRE AGREEMENT

- 17.1. This Agreement constitutes the entire understanding between the Parties with respect to the subject matter of this Agreement and supersedes all other agreements, whether written or oral, between the Parties.

[The remainder of this page is intentionally blank. Signature page follows.]

Department of Economic Development

By:

Maggie Kost, Acting Director

Date signed

Subrecipient Springfield, City of

By:

Signature

Printed Name

Printed Title

Date signed

Exhibits

- Exhibit 1 Program Guidelines
- Exhibit 2 Treasury-State Grant Agreement
- Exhibit 3 Program FAQs
- Exhibit 4 Subrecipient's Final Project Budget

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
060

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22520	20	73020	416010	102790	00000	\$3,749,711	American Rescue Plan Act (ARPA) Federal Grant Revenues - Community Revitalization Grant Program through Missouri Department of Economic Development
Net Revenue Adjustment						\$3,749,711	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22520	20	73020	509110	102790	00000	\$3,749,711	Renew Jordan Creek - Main to Boonville
Net Expenditure Adjustment						\$3,749,711	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating \$3,749,711 of federal ARPA grant funds for the Renew Jordan Creek - Main to Boonville improvement project through the Missouri Department of Economic Development Community Revitalization Grant Program.

Requested By:

Dan Smith 5-16-2023
Department Head Date

Approved By:

DL Hill 5-16-2023
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2023-116
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

EXPLANATION TO COUNCIL BILL 2023-117 (HORTON)

FILED: 04/27/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 4.8 acres of property generally located at 2323 West Grand Street from O-1, Office district, to GI, Government and institutional use district; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Lakeland Hospital Acquisition; 2323 West Grand Street; Z-10-2023.)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 4.8 acres of property generally located at 2323 West Grand Street from O-1, Office district to GI, Government and institutional use district. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-10-2023

The applicant is requesting to rezone approximately 4.8 acres of property generally located at 2323 West Grand Street from O-1, Office district to GI, Government, and institutional use district.

REMARKS: The Planning and Zoning Commission held a public hearing on April 20, 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 Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is requesting to rezone approximately 4.8 acres of property generally located at 2323 West Grand Street from O-1, Office district to GI, Government, and institutional use district. The applicant intends to continue operation of the existing residential treatment facility. During the business permit review, City staff recognized that the applicant's use of the property was not permitted by the O-1 zoning district. This application will bring the existing use into compliance with the GI zoning district.
2. The Comprehensive Plan's Land Use & Development chapter identifies the subject property as the Mixed Residential placetype. The Mixed Residential placetype contains primarily higher density single-family attached and multi-family residential dwellings. This includes townhomes, rowhomes, duplexes, apartments, student housing, and single-family detached homes that have been

converted into multiunit dwellings. Residential uses are supported by key cultural and institutional centers, such as schools and places of worship. Housing for university and college students, young professionals looking for housing close to work, and seniors desiring to downsize are prioritized within this placetype. Mixed Residential placetypes near the Downtown and city corridors help generate activity and increase access to local shoppers, while providing high-quality, affordable housing options. Mixed Residential developments are prioritized and supported in locations adjacent to major employment centers, activity centers, healthcare facilities, higher education facilities, schools, major parks, greenways, recreational facilities, and existing city corridors in need of an expanded customer-base and reinvestment.

3. Although the subject property is within the Mixed Residential placetype, this placetype identifies government, healthcare, and institutional facilities as supporting land uses within this category. The existing residential treatment facility could be considered an “institutional use.”
4. The subject property is located along Grand Street and Park Avenue, classified as a Primary Arterial and Collector roadways, respectively.
5. 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.
6. There are few known changing conditions in the area affected that make the proposed rezoning necessary.
7. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned;
8. The impact of the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic, or reduce traffic safety in the vicinity.
9. 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.
10. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Mixed Residential Placetype and on the finding of facts above.

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 5/15/2023

Attachments: 1. Z-10-2023_ord

2. Z-10-2023_Exh A
3. Z-10-2023_Exh B
4. Z-10-2023_Exh C

One-rdg. _____
P. Hrngs. X
Pgs. 19
Filed: 05-16-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-117

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 4.8 acres of property generally located at 2323 West Grand Street
4 from O-1, Office district, to GI, Government and institutional use
5 district; and adopting an updated Official Zoning Map. (Staff and
6 Planning and Zoning Commission recommend approval.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 2323 West Grand Street from O-1, Office district, to GI,
11 Government and institutional use district; and
12

13 WHEREAS, following proper notice, the Planning and Zoning Commission held a
14 public hearing on April 20, 2023, a copy of the Record of Proceedings from said public
15 hearing being attached hereto and incorporated herein by this reference as "Exhibit B,"
16 and said Commission made its recommendation; and
17

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

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

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

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

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

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

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

45
46 Passed at meeting: _____

47
48 _____
49 Mayor

50
51 Attest: _____, City Clerk

52
53 Filed as Ordinance: _____

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

56
57
58 Approved for Council action: Jason A. Hays, City Manager
59

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-10-2023

BEGINNING AT A POINT ON THE NORTH LINE OF GRAND STREET THAT IS NORTH 90°00'00" EAST A DISTANCE OF 834.44 FEET AND NORTH 00°00'58" EAST A DISTANCE OF 30.00 FEET OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE¼) OF THE SOUTHWEST QUARTER (SW¼) OF SECTION TWENTY-TWO (22), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22), IN SPRINGFIELD, GREENE COUNTY, MISSOURI; THENCE NORTH 00°00'58" EAST A DISTANCE OF 581.92 FEET TO THE SOUTH LINE OF "GRAND ACRES VILLAGE FIRST ADDITION", A SUBDIVISION IN SAID SPRINGFIELD; THENCE SOUTH 89°59'12" EAST, ALONG SAID SOUTH LINE A DISTANCE OF 362.32 FEET TO THE WEST LINE OF PARK AVENUE; THENCE SOUTH 00°01'35" EAST ALONG SAID WEST LINE, A DISTANCE OF 581.83 FEET TO SAID NORTH LINE OF GRAND STREET; THENCE SOUTH 90°00'00" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 362.75 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

RECORD OF PROCEEDINGS
ZONING CASE Z-10-2023

Planning and Zoning Commission – April 20, 2023

Z-10-2023

2323 West Grand Street

Applicant: Lakeland Hospital Acquisition

Mr. Sparlin stated that this is a request to rezone approximately 4.8 acres of property generally located at 2323 West Grand Street from O-1, Office district to GI, Government, and institutional use district. Staff recommends approval.

Mr. Knuckles asked what the current use is, and Mr. Sparlin noted it is a residential treatment facility and owned by Lakeland Hospital and fits as hospital use and adjusting the zoning to comply with the existing use.

Mr. Jobe opened the public hearing.

Mr. Damon Longworth, 440 S. Market Avenue, noting that they are not going to change the use and here to answer any questions.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Z-10-2023 (2323 West Grand Street). Mr. Pauly seconded the motion. Ayes: Jobe, Broekhoven, Colony, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: Lebeck.



Bob Hosmer, AICP
Planning Manager

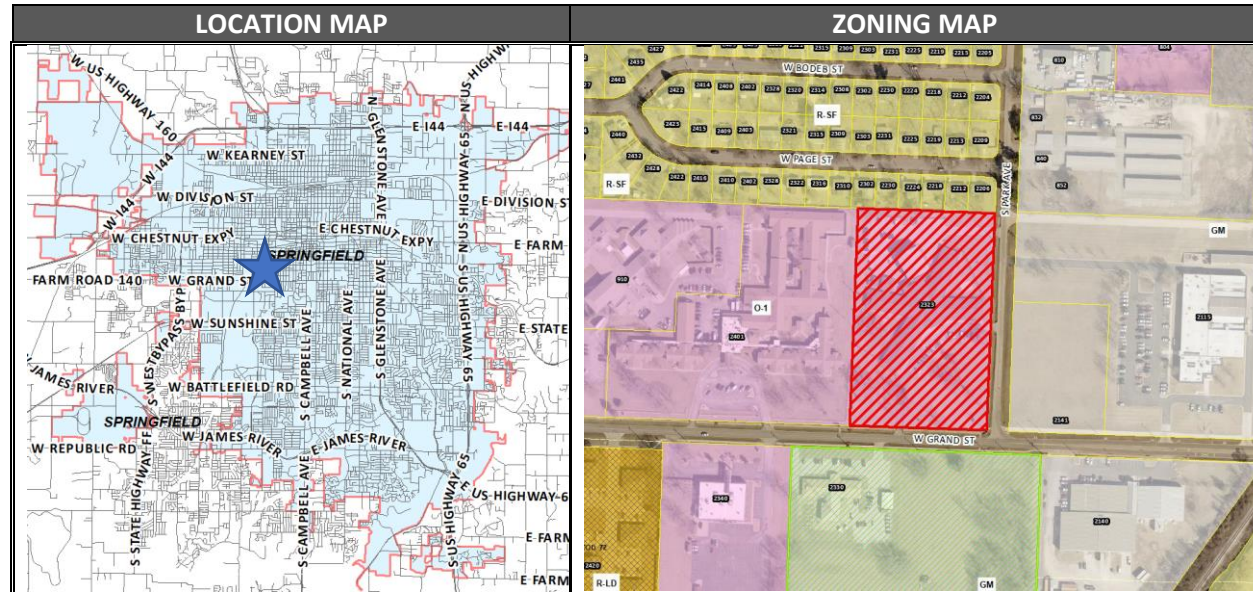
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-10-2023
Location:	2323 West Grand Street
Total Acres:	4.8 acres
Applicant:	Lakeland Hospital Acquisition
Existing Land Use:	Residential Treatment Facility
Neighborhood Meeting:	March 15, 2023
Planning and Zoning Commission:	April 20, 2023
City Council:	May 22, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

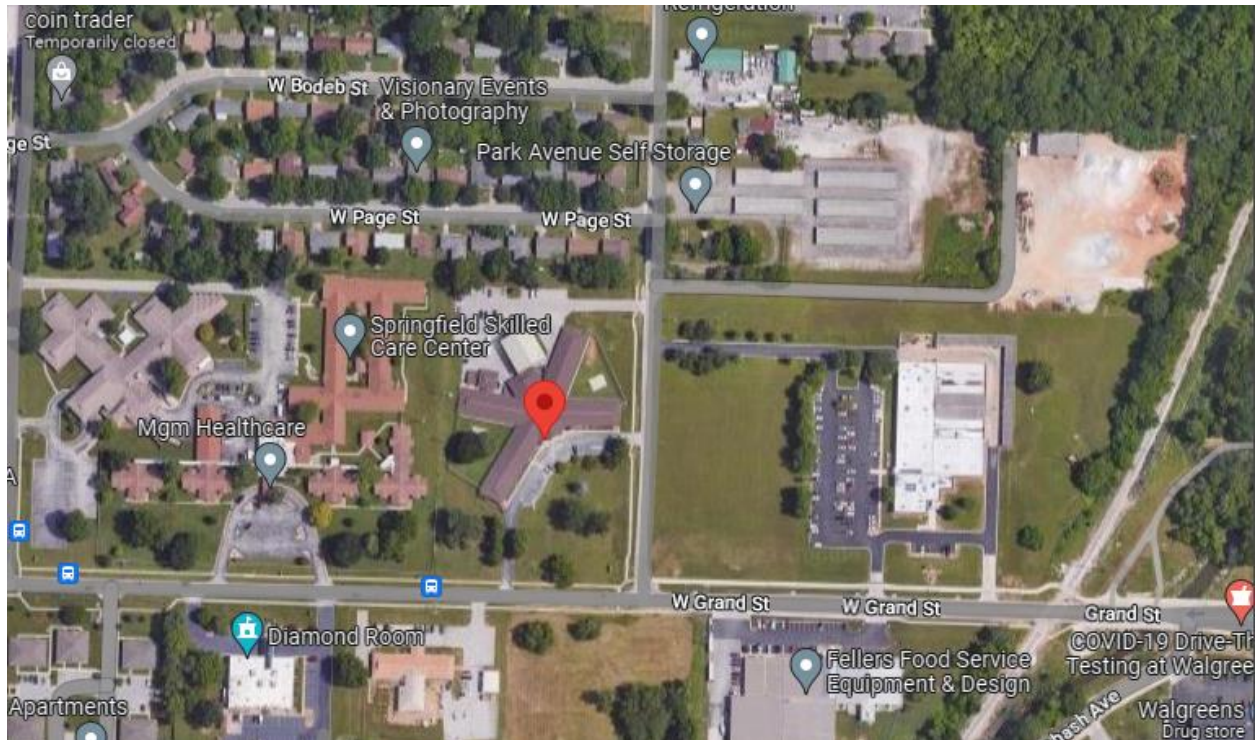
PROJECT SUMMARY:

Request to rezone approximately 4.8 acres of property generally located at 2323 West Grand Street from O-1, Office district to GI, Government and institutional use district.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property was rezoned to O-1, Office district in the city-wide remapping in 1995.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

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

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

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR GI
Use Limitations	(a)No landfill activities shall occur within 1,000 feet of a residential district. (b)All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. (c)No use shall emit an odor than creates a nuisance as determined by chapter 2A, article X, Springfield City Code. (d)Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
Maximum Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Minimum Open Space	20 percent
Buffering and Landscaping	A bufferyard type D is required along the north property line. A landscape plan meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

DEVELOPMENT REVIEW STAFF REPORT

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Mixed Residential placetype. The Mixed Residential placetype contains primarily higher density single-family attached and multi-family residential dwellings. This includes townhomes, rowhomes, duplexes, apartments, student housing, and single-family detached homes that have been converted into multiunit dwellings. Residential uses are supported by key cultural and institutional centers, such as schools and places of worship. Housing for university and college students, young professionals looking for housing close to work, and seniors desiring to downsize are prioritized within this placetype.

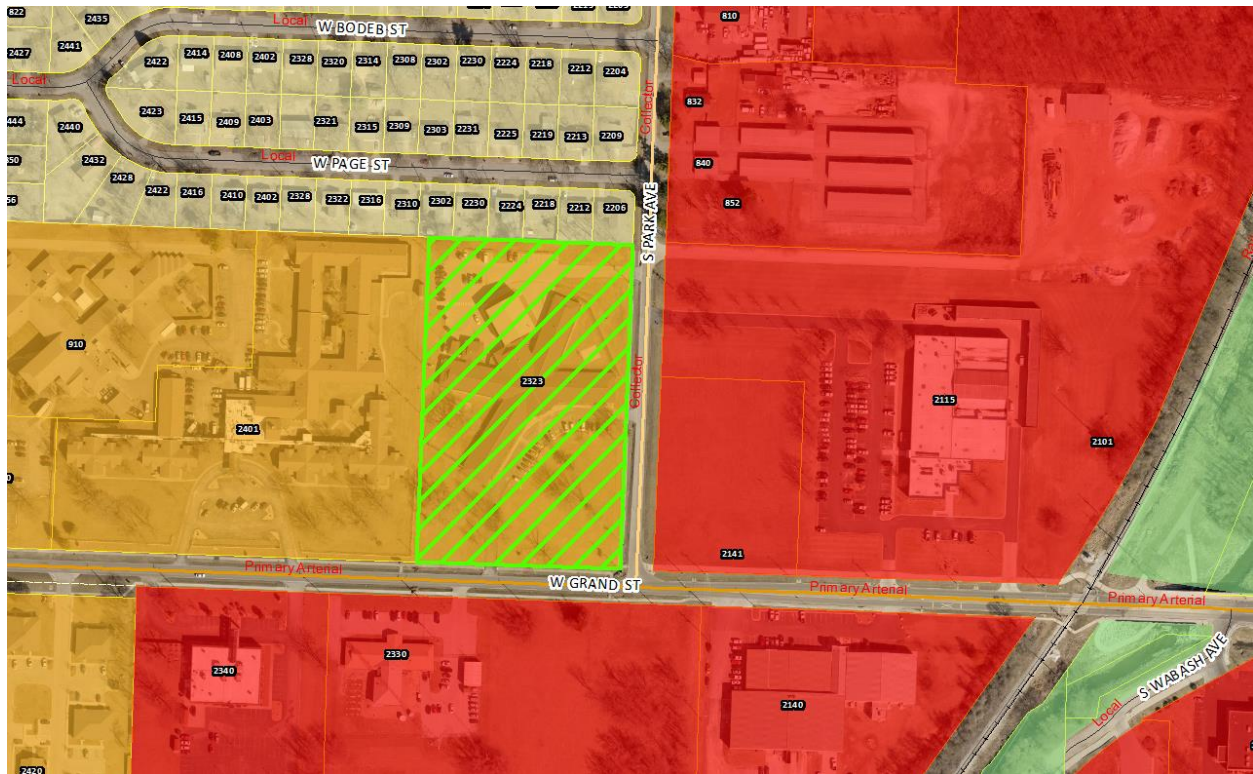
Mixed Residential placetypes near the Downtown and city corridors help generate activity and increase access to local shoppers, while providing high-quality, affordable housing options. Mixed Residential developments are prioritized and supported in locations adjacent to major employment centers, activity centers, healthcare facilities, higher education facilities, schools, major parks, greenways, recreational facilities, and existing city corridors in need of an expanded customer-base and reinvestment.

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.

The Mixed Residential placetype identifies, government, healthcare, and institutional facilities as supporting land uses within this category.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:



PLACETYPES	LAND USES														
	Single Family Detached	Single Family Attached	Multi-Family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office, Hospitality, Retail Sales & Service	Neighborhood Commercial	Maker, Artisan & Innovation Spaces	Public & Private Schools & Places of Worship	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehouse & Distribution Facilities
Residential Neighborhood	●	○	◇	○	◇	◇	○								
Mixed Residential	●	●	○	◇	◇	◇	○								
Downtown		●	○	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor		○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center			○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex			○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics			○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation			○	○	○	○	○	○	○	○	○	○	○	○	○

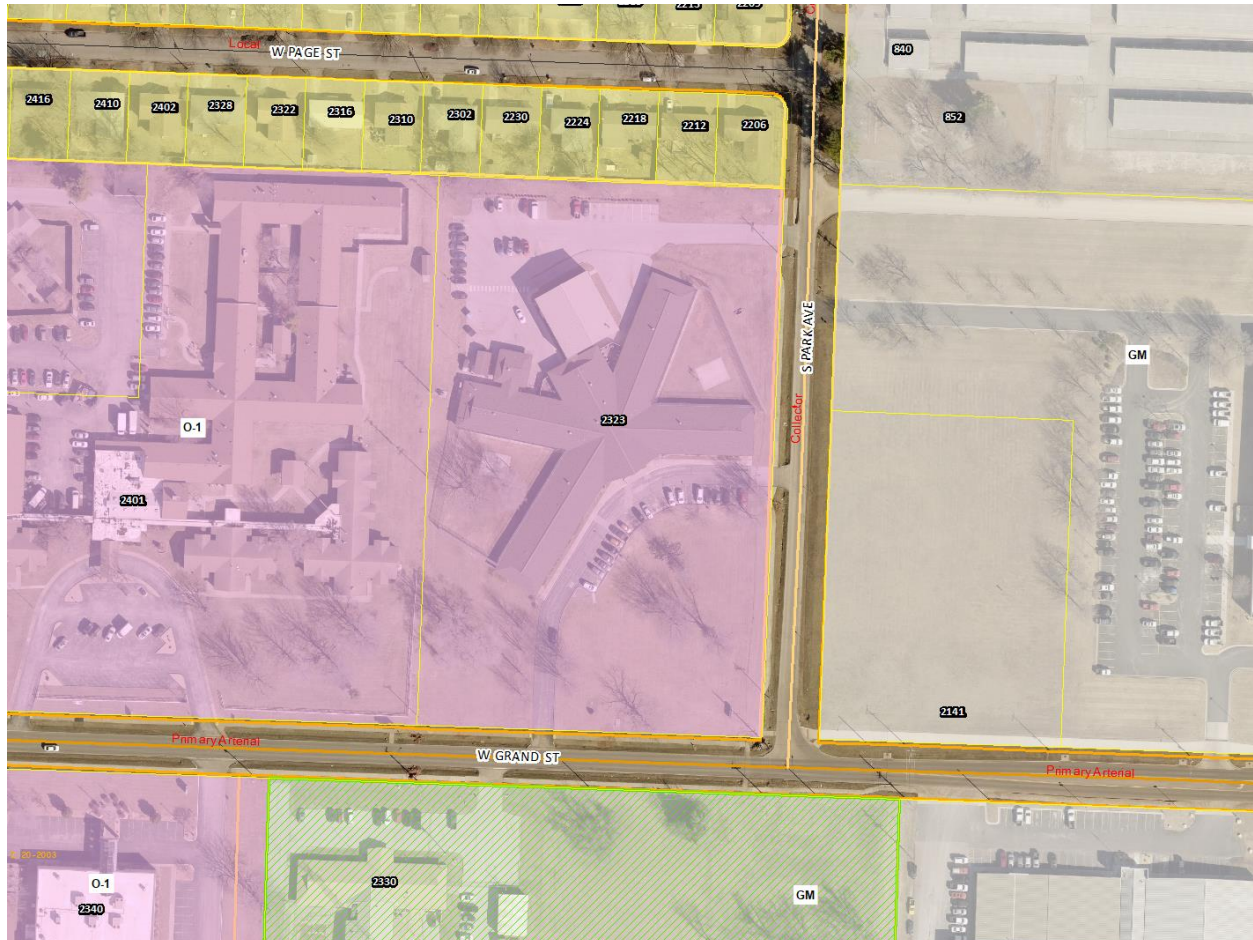
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **Supporting Land Use:**
Less prevalent and serve to support the primary land use.

◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	GM	GM	O-1
LAND USE	Single-family residences	Radio stations and office	City Utilities Meter & Service Center	Nursing home
PLACETYPES	Traditional Neighborhood	City Corridor	City Corridor	Mixed Residential

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the proposed planned development.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to rezoning. The property is currently connected to public sewer.

FIRE DEPARTMENT:

No objections to rezoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Grand Street as a Primary Arterial roadway and S. Park Avenue as a Collector roadway. The standard right-of-way width from the centerline of W. Grand Street is 50 feet and from the centerline of S. Park Avenue is 30 feet. It appears that additional right-of-way is needed along W. Grand Street and no additional right-of-way is needed along S. Park Avenue. A survey is recommended to determine the exact amount of existing right-of-way. W. Grand Street and S. Park Avenue are city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

There are no recent traffic counts for W. Grand Street and S. Park Avenue. On-street parking is not allowed along W. Grand Street and S. Park Avenue.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Grand Street and two driveway access points onto the property from S. Park Avenue. No additional access points will be allowed to the property.

SIDEWALK

There are existing sidewalks along the property frontage of W. Grand Street and S. Park Avenue.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There is one bus stop along W. Grand Street near this property.

IMPROVEMENTS

No improvements are required for this rezoning. A Traffic Impact Study is not required.

DEVELOPMENT REVIEW STAFF REPORT

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	W. Grand Street	Primary Arterial	No	30	50
Street 2	S. Park Avenue	Collector	No	30	30

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 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. Please note that development of the property will be subject to the following conditions at the time of development:

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

Detention Requirements:

1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in lieu of detention may be allowed per the Director of Public Works.
 - a. The site has existing stormwater detention from project, PRJ2016-00309, the gym addition. Any future impervious area added will need to expand the detention.
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)

DEVELOPMENT REVIEW STAFF REPORT

- b. If none of the three options are available then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.

Water Quality Requirements:

1. Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the city limits of Springfield that disturb 1 acre or greater. Including projects less than 1 acre that are part of a larger common plan of development or sale that will disturb 1 or more acres over the life of the project. Chapter 10 Sec. 2.0.
 - a. No water quality stormwater control measures are existing onsite. Future development or redevelopment over 1 acre will require water quality features.

Additional Stormwater Standards to be met:

1. A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
2. As-builts of the detention and water quality improvements are required. we would like the following as-built notes on the plans:
 - a. The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.
3. Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the process and will be reviewed by ES-Water Quality per Chapter 12 Sec. 3.0.
4. Include on the Plans a calculation of the Existing Impervious Surface Area, Existing Open Space Area, Post Development Impervious Surface Area, and Post Development Open Space Area. Per Chapter 4 Sec 3.2 for Detention Summary
 - a. Existing gravel surfaces meeting the above definition are eligible for 50% Credit.

DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 4.8 acres of property generally located at 2323 West Grand Street from O-1, Office district to GI, Government and institutional use district. The applicant intends to continue operation of the existing residential treatment facility. During the business permit review, City staff recognized that the applicant's use of the property was not permitted by the O-1 zoning district. This application will bring the existing use into compliance with the GI zoning district.
2. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Mixed Residential placetype. The Mixed Residential placetype contains primarily higher density single-family attached and multi-family residential dwellings. This includes townhomes, rowhomes, duplexes, apartments, student housing, and single-family detached homes that have been converted into multi-unit dwellings. Residential uses are supported by key cultural and institutional centers, such as schools and places of worship. Housing for university and college students, young professionals looking for housing close to work, and seniors desiring to downsize are prioritized within this placetype. Mixed Residential placetypes near the Downtown and city corridors help generate activity and increase access to local shoppers, while providing high-quality, affordable housing options. Mixed Residential developments are prioritized and supported in locations adjacent to major employment centers, activity centers, healthcare facilities, higher education facilities, schools, major parks, greenways, recreational facilities, and existing city corridors in need of an expanded customer-base and reinvestment.
3. Although the subject property is within the Mixed Residential placetype, this placetype identifies government, healthcare, and institutional facilities as supporting land uses within this category. The existing residential treatment facility could be considered an "institutional use."
4. The subject property is located along Grand Street and Park Avenue, classified as a Primary Arterial and Collector roadways, respectively.
5. 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.
6. There are few known changing conditions in the area affected that make the proposed rezoning necessary.
7. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned;
8. The impact the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic, or reduce traffic safety in the vicinity.

DEVELOPMENT REVIEW STAFF REPORT

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

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Mixed Residential Placetype and on the finding of facts above.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification
2. Recommend a change in the zoning district classification.
3. Recommend a change in the zoning district classification together with recommendations which, in the judgment of the planning and zoning commission, will protect adjacent property and ensure that the proposed amendment is consistent with the purpose and intent of this article.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

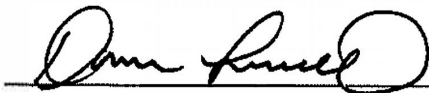
1. Request change to zoning from: O1 - Office to GI - Government Institutional
(existing zoning) (proposed zoning)
2. Meeting Date & Time: March 15, 2023 4:00-6:30pm
3. Meeting Location: 2323 W Grand St
4. Number of invitations that were sent: 102 plus 23 drop off
5. How the mailing list was generated: Development Review office generation
6. Number of neighbors in attendance (attach a sign-in sheet): 0
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

NA

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

NA

I, DAMON LONGWORTH (print name), attest that the neighborhood meeting was held on 3/15/2023 (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

DAMON LONGWORTH

Printed name of person completing affidavit

EXPLANATION TO COUNCIL BILL 2023-118 (SIMPSON)

FILED: 04/27/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A special ordinance approving the final development plan of Planned Development District No. 379, generally located at 1616 East Bradford Parkway and 3811 and 3813 South Weller Avenue. (Planning and Zoning Commission and Staff recommend approval.) (By: EWR Springfield Cambium LLC; 1616 East Bradford Parkway and 3811 South Weller Street; Final Development Plan – Planned Development 379.)

PURPOSE: Approving the final development plan for Planned Development District No. 379 generally located at 1616 East Bradford Parkway and 3811 South Weller Street. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

PLANNED DEVELOPMENT DISTRICT NO. 379 – FINAL DEVELOPMENT PLAN

Planned Development District No. 379 was approved by City Council in April of 2022. It allows the final development plan to be approved by the Administrative Review Committee ("ARC") provided it is in substantial conformance with the approved planned development ordinance. The proposed final development plan is not in substantial conformance to the requirements of the approved planned development ordinance and cannot be approved administratively. The ARC has reviewed the proposed final development plan and finds that the plan merits approval despite its lack of conformity.

The applicant has proposed to remove a footbridge that spans a concrete stormwater channel which requires the Army Corps of Engineers' approval. The planned development shows the footbridge in the approved preliminary development plan. The ARC determined that the removal of the footbridge was not in substantial conformance and could not be approved administratively.

REMARKS: The Planning and Zoning Commission held a public hearing on April 20, 2023, and recommended to approve, by a vote of 7 to 1. The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is requesting approval of the final development plan of Planned Development No. 379, on approximately 10.53 acres of property generally located at 1616 East Bradford Parkway and 3811 South Weller Street for a multi-family apartment residential development.
2. The subject property has two existing apartment buildings on the south portion of the property. This application seeks to develop the northern portion of the property. The property is divided by a concrete stormwater channel, which separates the existing development and the proposed new development.
3. The approved preliminary development plan of Planned Development No. 379 shows a footbridge that connects the existing development and proposed development over the concrete stormwater channel. The applicant requested that the Administrative Review Committee ("ARC") approve the final development plan without the footbridge, however, the ARC denied the applicant's request based on lack of substantial conformity to the approved preliminary development plan.
4. The footbridge, which spans the concrete stormwater channel, was approved as part of the internal connection with PD 379. The applicant has been seeking approval of the footbridge by the Army Corps of Engineers but has not received approval at this time. Because of the timing delays with approval of the footbridge, the applicant is requesting development of the property without the footbridge.
5. In lieu of the footbridge connection, the applicant is proposing to build an internal sidewalk connection to the public sidewalk on Weller Street. Staff determined that Weller Street has adequate sidewalk that could serve as a viable connection between the apartment buildings, and therefore satisfies the connection.
6. Sec. 36-405 (e), states in part: Action by Administrative Review Committee. If the Administrative Review Committee shall find that the Final Development Plan lacks substantial conformity to the Preliminary Development Plan, but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the Planning and Zoning Commission together with its recommendation that the Final Development Plan be approved.
7. The Zoning Ordinance allows for the final development plan approval when ARC and staff determine that the final development plan merits approval but the plan must be transmitted to Planning and Zoning Commission for approval.

STAFF RECOMMENDATION:

1. The final development plan lacks substantial conformity to the Planned Development Ordinance approved by City Council but merits approval notwithstanding such lack of conformity.

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 5/15/2023

- Attachments:**
1. PD 379_ord
 2. FDP PD 379_Exh A
 3. FDP PD 379_Exh B
 4. FDP PD 379_Exh C

One-rdg. _____
P. Hrngs. X
Pgs. 22
Filed: 05-16-23

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-118

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the final development plan of Planned Development District No. 379,
2 generally located at 1616 East Bradford Parkway and 3811 and 3813
3 South Weller Avenue. (Planning and Zoning Commission and Staff
4 recommend approval.)
5 _____
6

7 WHEREAS, on April 18, 2022, City Council passed General Ordinance 6717,
8 rezoning a certain parcel of land described on "Exhibit A," which is attached hereto and
9 incorporated herein, from Planned Development No. 117, 5th Amendment, and Planned
10 Development No. 363 to Planned Development No. 379; and
11

12 WHEREAS, a final development plan for the above-described tract has been
13 prepared and submitted; and
14

15 WHEREAS, on April 20, 2023, the Planning and Zoning Commission conducted
16 a public hearing, a copy of the Record of Proceedings from said public hearing being
17 attached hereto and incorporated herein by this reference as "Exhibit B" and
18 recommended approval of the proposed final development plan.
19

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

23 Section 1 – Subject to all regulations and standards of Planned Development
24 District No. 379, City Council hereby approves the final development plan as shown in
25 "Exhibit C – Exhibit 3," which is attached hereto, and all of "Exhibit C" is incorporated
26 herein by this reference.
27

28 Section 2 – This Ordinance shall be in full force and effect from and after
29 passage.
30

31 Passed at meeting: _____
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

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

EXHIBIT A

LEGAL DESCRIPTION
PLANNED DEVELOPMENT 379 – FINAL DEVELOPMENT
PLAN

A TRACT OF LAND AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE LYING IN LOT 1 OF PRIMROSE THIRD ADDITION, PLAT BOOK ZZ, PAGE 89 AND ALSO IN DESCRIBED IN BOOK 2019, PAGE 001211-19 AND LOT 1 OF PRIMROSE CENTER SECOND ADDITION, PLAT BOOK VV, PAGE 27 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF PRIMROSE THIRD ADDITION, PLAT BOOK ZZ, PAGE 89; THENCE ALONG THE SOUTH LINE OF LOT 1, NORTH 88°06'18" WEST, 364.96 FEET TO THE SOUTHWEST CORNER OF LOT 1; THENCE ALONG THE NORTH LINE OF THOMPSON PLAZA II, PLAT BOOK AAA, PAGE 213, AND CONTINUING NORTH 88°06'18" WEST, 1157.62 FEET TO A POINT LYING ON THE EASTERLY RIGHT-OF-WAY OF FREMONT AVENUE; THENCE LEAVING SAID NORTH LINE AND ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 00°18'51" EAST, 41.52 FEET; THENCE NORTH 10°48'30" WEST, 73.65 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY, NORTH 83°56'57" EAST, 255.05 FEET; THENCE NORTH 74°50'25" EAST, 16.76 FEET; THENCE NORTH 77°36'28" EAST, 174.46 FEET; THENCE NORTH 77°25'15" EAST, 121.41 FEET; THENCE NORTH 89°30'19" EAST, 88.07 FEET; THENCE NORTH 70°23'35" EAST, 49.45 FEET; THENCE NORTH 71°00'17" EAST, 69.93 FEET; THENCE NORTH 80°53'45" EAST, 62.48 FEET; THENCE NORTH 81°38'10" EAST, 134.52 FEET; THENCE NORTH 88°57'08" EAST, 219.77 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF PRIMROSE CENTER SECOND ADDITION; THENCE ALONG THE WEST LINE OF SAID LOT 1, NORTH 00°37'56" EAST, 174.25 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY OF BRADFORD PARKWAY; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 89°22'04" EAST, 335.00 FEET; THENCE 47.12 FEET ALONG A 30.00 FOOT CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 44°22'03" EAST FOR 42.43 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF WELLER AVENUE; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 00°37'58" WEST, 473.17 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE EAST HALF OF SECTION 7, TOWNSHIP 28 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. CONTAINING 10.23 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

EXHIBIT B

RECORD OF PROCEEDING
PLANNED DEVELOPMENT 379 – FINAL DEVELOPMENT PLAN

Planning and Zoning Commission – April 20, 2023

Planned Development 379 FDP

1616 East Bradford Parkway

Applicant: EWR Springfield Cambium, LLC

Mr. Sparlin stated that this is a request to approve the final development plan of Planned Development No. 379, on approximately 10.53 acres of property generally located at 1616 East Bradford Parkway and 3811 South Weller Street without a footbridge that the Administrative Review Committee cannot approve due to its lack of conformity to the approved planned development but which merits approval despite this lack of conformity. Staff recommends approval notwithstanding such lack of conformity.

Mr. Colony questioned the Army Corps of Engineers jurisdiction.

Mr. Codichini, Public Works and yes, it is part of the Army Corps of Engineers jurisdiction and basically the starting point heading downstream.

Mr. Colony asked about the width of the stream buffer on site.

Mr. Codichini said it is approximately 100 feet wide (50' on each side) and gave out additional information on stormwater and stream buffers.

Mr. Colony asked about Administrative Review Committee (ARC) and why they did not approve the site plan.

Mr. Sparlin noted that in this case it lacks conformity (bridge is omitted), and they did not have the authority to approve it.

Mr. Knuckles asked about the 404 and the Corps jurisdiction and Mr. Codichini noted where they no longer have jurisdiction (east side of Weller Avenue).

Commission asking more questions regarding nonconformity and staff went over the Administrative Review Committee (ARC) process and the multifamily matrix and sharing amenities.

Mr. Jobe opened the public hearing.

Mr. Harlan Hill, 3811 S. Weller Avenue, representing the owner and believes it does meets conformity and gave out information on what has changed on the site plan (reducing units and height of the building). Noted that they have exceeded the open space requirements and then discussed omitting the footbridge. Has repeatedly tried to

contact the Corps and only was able to have contact after 5 months, but trying to meet deadlines with the developer, so requesting the footbridge be removed as criteria for getting a building permit and providing a direct connection to a public sidewalk. He also noted the amenities that are being provided.

Mr. Colony asked if the bridge was going to be put in later and Mr. Hill asked that the Commission not make it a condition of the development and does not know what the Corps of Engineers flexibility allows.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Planned Development 379 FDP (1616 East Bradford Parkway). Ms. Broekhoven seconded the motion. Ayes: Jobe, Broekhoven, Colony, Knuckles, Ridge, Scott, and Gunther. Nays: Pauly. Abstain: None. Absent: Lebeck.

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

Bob Hosmer, AICP
Planning Manager



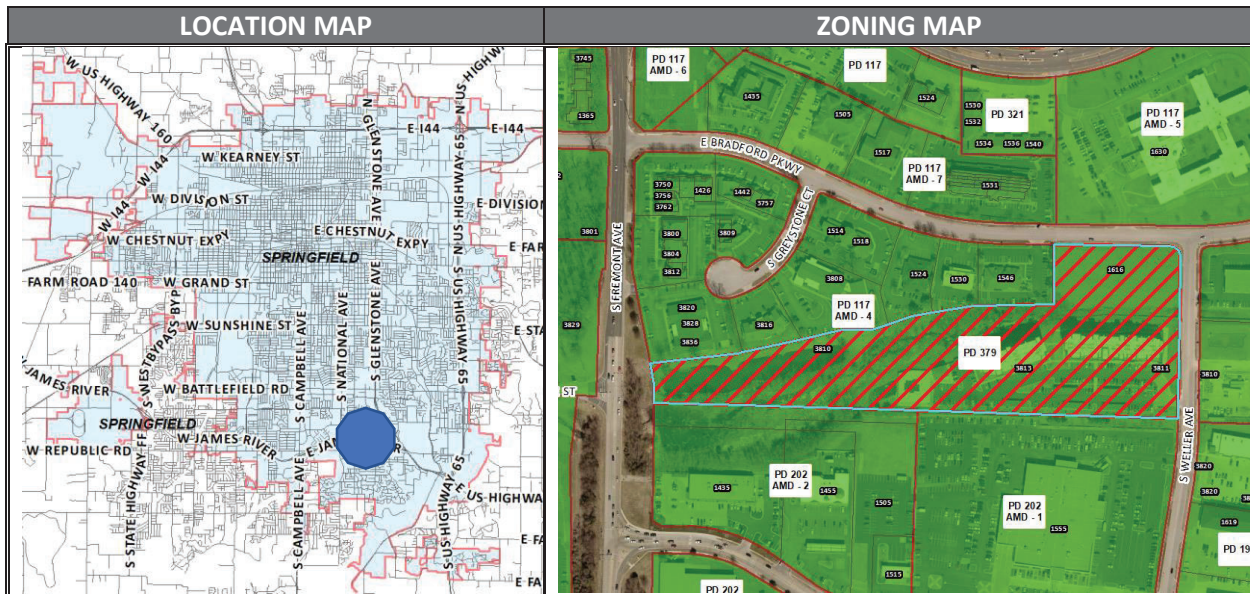
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Final Development Plan – Planned Development 379
Location:	1616 East Bradford Parkway and 3811 South Weller Street
Total Acres:	10.53 acres
Applicant:	EWR Springfield Cambium LLC
Existing Land Use:	Mixed Use residential and commercial
Planning and Zoning Commission:	April 20, 2023
City Council:	May 22, 2023
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

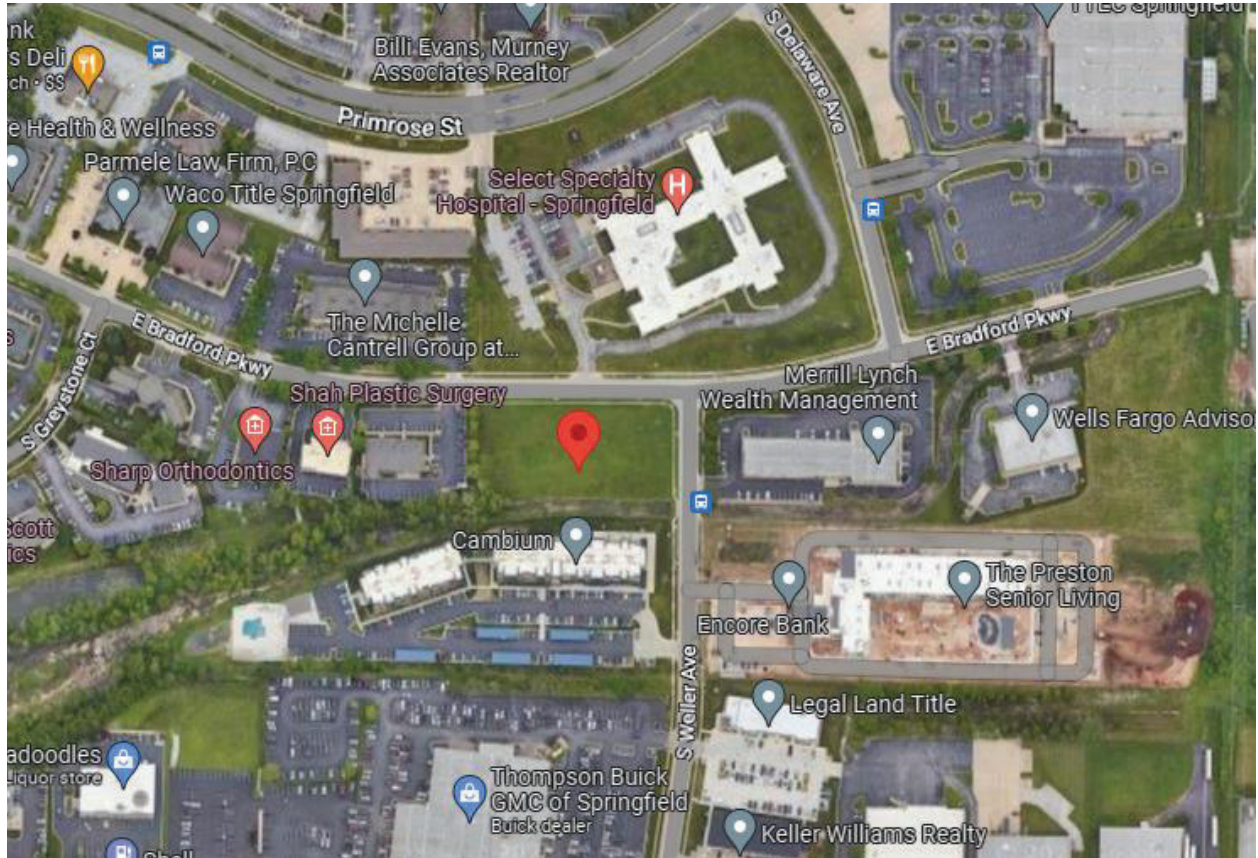
PROJECT SUMMARY:

Request to approve the final development plan of Planned Development No. 379, on approximately 10.53 acres of property generally located at 1616 East Bradford Parkway and 3811 South Weller Street without a footbridge that the Administrative Review Committee cannot approve due to its lack of conformity to the approved planned development but which merits approval despite this lack of conformity.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property was rezoned to Planned Development No. 379 in April 2022.

PLANNING AND ZONING COMMISSION AUTHORITY:

Section 36-405 Planned Development District

(9) Final Development Plan

- (c) Substantial conformity defined. A final development plan shall be deemed not to be in substantial conformity with an approved preliminary development plan if it:
1. Increases by more than five percent from the maximum density, approved in the preliminary development plan, except that in no event shall the maximum density exceed the density permitted for the underlying district by subsection (4)(b);
 2. Increases by more than five percent the maximum floor area to be devoted to any residential or nonresidential use;
 3. Increases height by more than five percent;
 4. Decreases by more than five percent the area approved for public and private open space or changes the general location of such areas;
 5. Relocates approved circulation elements to any extent that would decrease the ability of such elements to function efficiently, adversely affect their relation to surrounding lands and circulation elements, or would reduce their effectiveness as buffers or amenities;
 6. Significantly alters the arrangement of land uses within the planned development;
 7. Violates any provision of the codes and ordinances applicable to the proposed planned development; or
 8. Departs from the preliminary development plan in any other manner which the planning and zoning commission or city council shall, based on stated findings and conclusions, find to materially alter the plan or concept for the proposed planned development.
- (e) Action by planning and zoning commission. Within 45 days following the submission by the applicant or referral from the administrative review committee of a complete application for the final development plan, or such longer period as may be agreed to by the applicant, the planning and zoning commission shall review the plan with respect to its conformity to the approved preliminary development plan; with respect to the merit or lack of merit of any departure of the final development plan from substantial conformity with the preliminary development plan; and with respect to compliance of the final development plan with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable federal, state and city codes, ordinances and regulations.

If the planning and zoning commission finds that there is substantial conformity between such plans and shall further find the final development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable, federal, state and city codes, ordinances and regulations, it shall approve the final development plan. Planning and zoning commission action shall constitute final approval of the final development plan.

If the planning and zoning commission shall find that the final development plan lacks substantial conformity to the preliminary development plan but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the city council together with its recommendation that the final development plan be approved.

DEVELOPMENT REVIEW STAFF REPORT

In any case, where the planning and zoning commission finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall transmit such plan to the city council, together with its recommendation that the final development plan not be approved. The failure of the commission to act within the aforesaid time period shall be deemed a recommendation to the city council to deny the final development plan as submitted.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Institutional & Employment Center. The Institutional and Employment Center placetype contains a variety of major medical and office parks, and a collection of institutional and employer campuses. Large campuses are supported by small commercial sales and service business, and a mix of community-orientated amenities. Student housing is also a common component. In the case of universities or colleges, along with mixed housing types located along the fringes and transitional areas, providing housing near major employers is important. Areas within this placetype act as centers of culture, education, and business development, while providing numerous employment opportunities for residents of Springfield and others from the region. As Institutional and Employment Centers provide vital jobs and services to the entire metro area, multimodal accessibility and public transit connectivity are key components of this placetype. Underutilized parcels are assembled and redeveloped into more intense supporting uses or higher density housing developments where appropriate, to increase activity within the center.

DEPARTMENT COMMENTS:

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the proposed planned development.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues with final development plan.

FIRE DEPARTMENT:

No objections to rezoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

No issues with Final Development Plan.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

PD 379 does not state specific requirements for Stormwater Requirements. The site must adhere to the Flood Control and Water Quality Protection manual which requires on site water quality Stormwater control measure (SCM). PRJ2022-02376 is still under review for underground water quality SCM, this

DEVELOPMENT REVIEW STAFF REPORT

does not need to be shown on the final development plan. The Proposed Final Development plan meets the Stormwater Requirements.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting approval of the final development plan of Planned Development No. 379, on approximately 10.53 acres of property generally located at 1616 East Bradford Parkway and 3811 South Weller Street for a multi-family apartment residential development.
2. The subject property has two existing apartment buildings on the south portion of the property. This application seeks to develop the northern portion of the property. The property is divided by a concrete stormwater channel, which separates the existing development and the proposed new development.
3. The approved preliminary development plan of Planned Development No. 379 shows a footbridge that connects the existing development and proposed development over concrete stormwater channel. The applicant requested that the Administrative Review Committee (ARC) approve the final development plan without the footbridge, however the ARC denied the applicant's request based on lack of substantial conformity to the approved preliminary development plan.
4. The footbridge, which spans the concrete stormwater channel, was approved as part of the internal connection with PD 379. The applicant has been seeking approval of the footbridge by the Army Corps of Engineers but has not received approval at this time. Because of the timing delays with approval of the footbridge, the applicant is requesting development of the property without the footbridge.
5. In lieu of the footbridge connection, the applicant is proposing to build an internal sidewalk connection to the public sidewalk on Weller Street. Staff determined that Weller Street has adequate sidewalk that could serve as a viable connection between the apartment buildings, and therefore satisfies the connection.
6. Sec. 36-405 (e), states in part: Action by Administrative Review Committee. If the Administrative Review Committee shall find that the Final Development Plan lacks substantial conformity to the Preliminary Development Plan, but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the Planning and Zoning Commission together with its recommendation that the Final Development Plan be approved.
7. The Zoning Ordinance allows for the final development plan approval when ARC and staff determine that the final development plan merits approval. The plan must be transmitted to Planning and Zoning Commission for approval.

STAFF RECOMMENDATION:

1. The final development plan lacks substantial conformity to the Planned Development Ordinance approved by City Council but merits approval notwithstanding such lack of conformity as outlined in option 1 of the Planning and Zoning options below.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations:

1. The planning and zoning commission finds that the final development plan lacks substantial conformity to the preliminary development plan but merits approval notwithstanding such lack of

DEVELOPMENT REVIEW STAFF REPORT

conformity, and shall transmit such plan to the city council together with its recommendation that the final development plan be approved.

2. The planning and zoning commission finds that there is substantial conformity between such plans and shall further find the final development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable, federal, state and city codes, ordinances and regulations, it shall approve the final development plan. The planning and zoning commission action shall constitute final approval of the final development plan
3. The planning and zoning commission finds that final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall transmit such plan to the city council, together with its recommendation that the final development plan not be approved

Development Review Staff Report



EXHIBIT 1 Requirements and Standards Applicable To Planned Development District No. 379

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:

Mixed use development with multi-family residential, office, personal service and retail uses.

C. DEFINITIONS:

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

D. USES PERMITTED:

1. Residential uses:
 - a. Multifamily dwellings;
 - b. Clubhouses associated with any permitted use;
 - c. Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association in accordance with the provisions of section 36-467, noncommercial not-for-profit neighborhood facilities.
2. Non-Residential uses:
 - a. General office use group, excluding banks and financial institutions with automatic teller machines and drive-thru facilities;
 - b. Medical office use group;
 - c. Personal service use group;
 - d. Retail sales use group.
3. Other uses:
 - a. Accessory uses, as permitted by section 36-450, accessory structures and uses;
 - b. Temporary uses, as permitted by section 36-452, temporary uses.
 - c. Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.

E. USE LIMITATIONS:

1. Location of Non-Residential Uses. All non-residential uses shall be located on the first floor of a building. The non-residential uses shall not exceed 20,000 square feet of floor area in aggregate of all structures.
2. Noise Standards. All uses shall operate in accordance with the noise standards contained in Section 36-485 of the Springfield Zoning Ordinance.
3. Nuisance. No use shall emit an odor that creates a nuisance as determined by Springfield City Code.

F. INTENSITY OF DEVELOPMENT:

Development shall adhere to the following standards.

Development Review Staff Report



1. Residential Density: The maximum residential gross density shall not exceed twenty (20) units per acre.
2. All of the subject properties shall be combined into one lot per Exhibit 2.

G. BULK, AREA AND HEIGHT REQUIREMENTS:

Development shall adhere to the following standards.

1. Maximum structure height: Five (5) stories.

H. DESIGN STANDARDS:

The design requirements shall adhere to the following standards:

Design to Encourage Pedestrian Activity

1. Provide pedestrian amenities such as pedestrian scale lighting and non right-of- way street furniture to enhance the pedestrian environment. Lighting sources or luminaries that do not have a cutoff and are used in parking lots and pedestrian ways shall not exceed a maximum of 15 feet in height. Lighting sources or luminaries that do have a cutoff shall not exceed a maximum 30 feet in height. Parking lot lighting and pedestrian lighting should be appropriate to create adequate visibility at night and evenly distributed to increase security. Street furniture may include but is not limited to benches; shelters; and decorative trash bins. There shall be one (1) street/park bench provided within each multi-family development, thereafter, one (1) park/street bench for every 50 dwelling units.
2. The project will blend the building scale and set back with existing developments that are consistent with these guidelines. Street facing walls that are greater than 50 feet in length must be articulated at least each 25 feet with bays, projections, or recesses. Articulation means a difference in the vertical plane of the building of at least 18 inches or more.
3. Buildings adjacent to the street will be situated on the site to provide pedestrian access to the street. Additional interior lot buildings may be oriented toward parking lots or public/common open space. Buildings adjacent to the street shall not have parking lots located between the building and the street. Corner lots may have parking on one street face. Interior areas of parking and vehicular use areas shall contain planting islands every 20 contiguous parking spaces whether double staked or linear. The size of the planting island shall be the equivalent area of one parking space. This shall be used toward satisfying the 5% interior landscaping requirements.
4. Avoid blank walls along pedestrian circulation areas. Facades that face streets or connecting pedestrian frontage that are greater than 25 feet in length shall be subdivided and proportioned using at least one or more of the following features; windows, entrances, arcades, arbors, awnings (over windows or doors), distributed along the façade at least once every 25 feet.

Provide a Good Circulation System

1. Provide connectivity by including direct vehicular or access easements, pedestrian and bicycle connections between abutting or adjacent developments, including retail centers and bus stops, wherever possible.
2. Buildings shall connect building entrances to one another and to sidewalks on adjacent public and/or private streets via a minimum four (4) foot wide sidewalk separated from vehicular traffic by a four-foot-wide planting strip (the 4 foot planting strip does not apply to parking lots where the sidewalk is intended to provide access to the parking lot). Public sidewalks may be considered part of the walkway system if they provide convenient movement between structures. Fences, landscaping and other site improvements shall be

Development Review Staff Report



located so as not to impede safe and convenient pedestrian circulation. On-site sidewalks shall be designed to connect to off-site sidewalks on adjoining properties and public and/or private streets. Sidewalks shall connect parking areas or parking structures that serve the principal multi-family building; community amenities, such as swimming pools, community centers, other recreational facilities, or common open space.

3. Provide shared driveways, cross access driveways and/or other forms of connectivity and secondary access to existing or future adjacent developments.

Respect the Natural Environment

1. The development shall include at least 15% of the total site or premise as a usable recreational area and/or facility. Usable recreational area/facility is defined as an open recreational area or recreational facility which are designed and intended to be used for outdoor living and/or recreation, and/or amenity. Usable open recreational areas shall not include land occupied by buildings, structures, streets, sidewalks, driveways, or parking areas but may include outdoor recreational facilities such as walkways used solely for recreational purposes/connections, swimming pools, sports courts, clubhouse, community center, exercise room or other amenities as defined in these guidelines. The 15% usable recreational area or facility does not reduce the required 20% open space. All common open recreational areas on the site, including recreational facilities, shall be readily accessible to all occupants and should, wherever possible, be physically connected to other common open space areas on and off the site. Generally, usable open recreational areas should have a minimum dimension of thirty (30) feet in any direction and minimum area of nine hundred (900) square feet; however, it is recognized that open recreational areas can be of a smaller minimum dimension or area provided it meets the definition.
2. Incorporate three (3) functional amenities. There must be at least two (2) different amenities used for Multi-family development sites with more than 100 units. Allowable recreational amenities:
 - a. Swimming pool;
 - b. Golf course;
 - c. Resident clubhouse.
 - d. One tot lot with a minimum size of nine hundred square feet (900') per tot lot area;
 - e. Basketball, volleyball, tennis court, handball court or other sports court.
 - f. One (1) picnic area, with a minimum size of nine-hundred square feet (900') per area, and including a minimum of one (1) picnic table and one (1) barbeque grill/pits per picnic area;
 - g. Community center (meeting room, assembly hall, etc.);
 - h. Exercise room and/or recreation building
3. A tree six inches or greater in diameter measured 4 1/2 feet above ground must be preserved or replaced with a tree of at least two inches (2) in diameter—for a maximum total of 7 trees per acre. Trees meeting the landscape requirements in the zoning ordinance may be counted toward this requirement. If this is not possible then the total diameter of trees at the time they are lost shall be replaced with an equal diameter amount of trees with no less than 2 in diameter throughout the project area.
1. Service and Loading Areas. Off-street loading shall be regulated in accordance with *Sections 36-456 and 36-483 of the Springfield Zoning Ordinance*. The following requirements are supplementary.
 - (1) All service and loading areas shall be located in the side or rear yard of buildings.

Development Review Staff Report



- (2) Service and loading areas shall be designed so that the entire service and loading operations are conducted on the building site. The visibility of service and loading from public streets shall be minimized.

I. OPEN SPACE, LANDSCAPING & SCREENING:

The landscaping and screening provisions are intended to improve the physical appearance of the District; to improve the environmental performance by contributing to the abatement of heat, glare and noise, and by promoting natural percolation of storm water and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of adjoining property and neighborhoods.

1. Open Space Requirements.
 - a. Minimum open space: Not less than twenty (20) percent of the total lot area shall be devoted to open space including required yards, and bufferyards.
 - b. Maximum impervious area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed eighty (80) percent of the total lot area.
2. Bufferyards.
 - a. There shall be no required bufferyards.
3. Vehicular use area open space.
 - a. Perimeter. The requirements and standards of Section 36-482(9) of the Springfield Zoning Ordinance, in effect at the time of development shall apply.
 - b. Interior. The requirements and standards of Section 36-482(9) of the Springfield Zoning Ordinance, in effect at the time of development shall apply.
4. Open Space Landscaping. Except as otherwise set forth herein, provided the Development complies with the design requirements set forth in Section VII.B hereof, no additional open space landscaping shall be required.
5. Screening.
 - a. Screening types. An opaque barrier at least six (6) feet in height shall be provided which visually screens the potentially offensive feature from less-intensive uses or districts as follows:
 - (1) A solid wood and/or masonry fence or wall at least six (6) feet in height.
 - (2) A hedge-like screen or a random or informal screen of evergreen or approved deciduous plant material, capable of providing a substantially opaque barrier and attaining a minimum height of six (6) feet within three (3) years of planting.
 - (3) A landscaped earth berm with a maximum slope of three (3) to one (1), rising no less than six (6) feet above the existing grade of the lot line of the less-intensive use or district.
 - (4) Any combination of these methods that achieves a cumulative six-foot-high screen.
6. Screening Locations. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices shall be placed within the District where they are least visible from a public street or adjoining properties. Screening of these devices, in the form of a sight-proof fence or wall, shall be provided.
7. Screening Standards. Screening shall not adversely affect surface water drainage.

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:

Development Review Staff Report



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

L. OFF-STREET PARKING:

Sections 36-455, 36-456 and 36-483 of the Springfield Zoning Ordinance in effect at the time of development shall apply; provided that parking requirements shall be determined using the net usable floor area of the total area.

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.

1. Public improvements to be completed. Public and private improvements necessary to adequately accommodate the intensity of development proposed in this District shall be constructed prior to or concurrently with the development of the property. If the development of the property is phased, the construction of the improvements may also be phased provided there is a logical relationship between each phase of the development and the construction of the required improvements.
2. Building Permits. Prior to building permits being issued to the applicant, the applicant shall consolidate the two lots comprising the District into one lot by filing an approved subdivision plat in accordance with the Subdivision Regulations.
3. Improvement Standards. All utilities and utility connections shall be located underground, including, but not limited to, electrical and telephone cables, security and other telecommunication systems and wires. Transformers, meters of any type (including electric, gas or other meters), or other apparatus shall be adequately screened and landscaped. All improvements shall be subject to utility provider approval.

O. MAINTENANCE OF COMMON AREAS AND FACILITIES.

The maintenance of common areas and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by any subsequent owners.

P. FINAL DEVELOPMENT PLAN

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

1. The intent of Exhibit 2 is to show development of this tract in conformance with the requirements of Exhibit 1. The site layout of buildings and parking may shift while still maintaining conformance with Exhibit 1. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by Subsection 36-405 of the Springfield Zoning Ordinance.
2. The Administrative Review Committee is hereby authorized to, acting jointly, approve the final development plan provided such plan substantially conforms to the provisions of this ordinance. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
 - a. Any uses within the District other than those specifically prescribed by the ordinance.

- b. Any increase in the intensity of use permitted within the District.

EXHIBIT 3

FINAL DEVELOPEMENT PLAN

LEGAL DESCRIPTION
3811 SOUTH WELLER AVENUE
AS-7487
1616 EAST BRADFORD PARKWAY
ALL OF LOT 1 FINAL PLAT
PRIMROSE CENTER SECOND ADDITION
A SUBDIVISION IN SPRINGFIELD,
GREENE COUNTY, MISSOURI.

PROPOSED USES
MULTIFAMILY DWELLINGS
GENERAL OFFICES
CLUBHOUSE - EXISTING
ACCESSORY USES

EXISTING DEVELOPMENT		PROPOSED DEVELOPMENT	
COMMERCIAL SPACE 9340 SF	APARTMENT UNITS 127	COMMERCIAL SPACE 5380 SF	APARTMENT UNITS 53
	PARKING SPACES 204		PARKING SPACES 86

DENSITY
20 UNITS PER ACRE MAXIMUM

UNIT MIX
STUDIO: 9
1 BED: 31
2 BED: 10
3 BED: 3

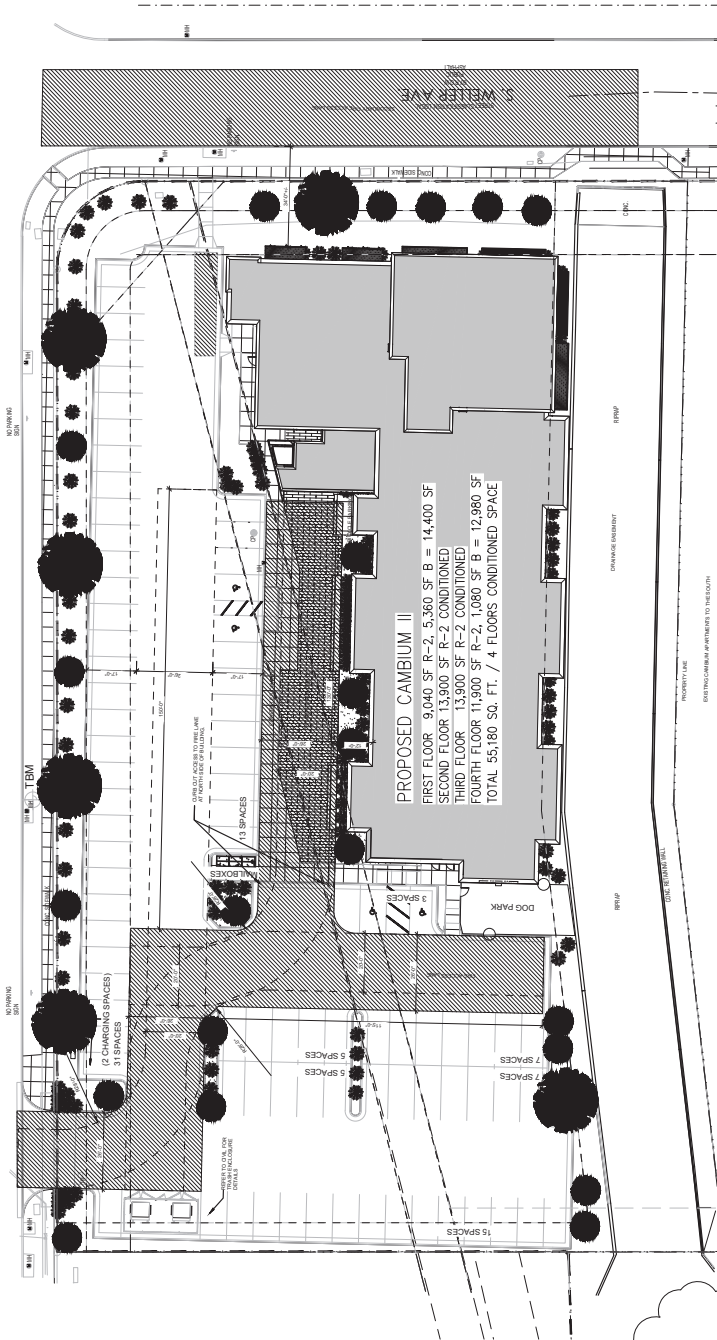
OPEN SPACE
REQUIRED: 20%

IMPERVIOUS AREA
80% MAX

PARKING REQUIREMENTS
BUILDING HEIGHT
MAX STRUCTURE HEIGHT
4 STORIES 53'-6" TO PARAPET

BROWNIELDS: N/A

PROPOSED DEVELOPMENT:
REQUIRED: 96
10% REDUCTION: 10
TOTAL REQUIRED: 86
PROVIDED: 86



FINAL SITE PLAN - CAMBIUM II

SCALE: 1" = 20'-0"

1A
C1.2

PRELIMINARY
NOT FOR CONSTRUCTION

Horton H. Hill, Architect
MOJ A-005582

DOMINICK BROWN, P.E., A.E.
REGISTERED PROFESSIONAL ENGINEER
REGISTERED PROFESSIONAL ARCHITECT
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
P.E., P.L.A., P.L.A., P.L.S.

TEAM C CONSTRUCTION, LLC
MOJ CERT. #2021034823

3811 S WELLER AVENUE
SPRINGFIELD, MO 65804
417-688-1110

REGISTERED ENGINEER
COMPANY NAME
CERTIFICATE OF AUTHORITY
CITY, COUNTY, STATE
P.E. No.

MECHANICAL ENGINEER
COMPANY NAME
CERTIFICATE OF AUTHORITY
CITY, COUNTY, STATE
P.E. No.

ELECTRICAL ENGINEER
COMPANY NAME
CERTIFICATE OF AUTHORITY
CITY, COUNTY, STATE
P.E. No.

Cambium II
3811 SOUTH WELLER AVE AND
1616 E BRADFORD PARKWAY
SPRINGFIELD, MISSOURI

SITE PLAN

Project No. 10000-XXX
Date 3/10/2023
Sheet Number C1.2
OF 2 SHEETS



EXPLANATION TO COUNCIL BILL 2023-119 (HARDINGER)

FILED: 05/03/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 2.6 acres of property generally located at 1739, 1745, and 1755 South National Avenue, 1138 East University Street, and 1111, 1119, 1133, and 1141 East Sunshine Street from R-SF, Single-family residential district, to GR, General retail district, with Conditional Overlay District No. 220; establishing Conditional Overlay District No. 220; and adopting an updated Official Zoning Map. (Staff recommends approval. Planning and Zoning Commission recommends denial.) (By: BK&M, LLC; 1739, 1745, and 1755 S. National Avenue and 1138 E. University Street and 1111, 1119, 1133, and 1141 E. Sunshine Street; Z-27-2023 w/COD No. 220.)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 2.6 acres generally located at 1739, 1745, and 1755 S. National Avenue, 1138 E. University Street and 1111, 1119, 1133, and 1141 E. Sunshine Street from R-SF, Single-Family Residential District to GR, General Retail District and establishing a new Conditional Overlay District No. 220. (Staff recommends approval Planning and Zoning Commission recommends denial.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-27-2022/CONDITIONAL OVERLAY DISTRICT NO. 220

The applicant, BK&M, LLC, is proposing to rezone the GR, General Retail District, with a Conditional Overlay District ("COD") to allow a mixed-use office, retail, and residential development. The conditional overlay district is a floating zone that allows the applicant to voluntarily limit land use and enhance minimum development standards and conditions. The applicant has chosen to restrict the ability to establish certain commercial land uses that could be considered more noxious than other land uses allowable in the district, especially when they are located next to residential land uses. Under the GR zoning classification, a mixed-use development as proposed is allowed and is encouraged by the Land Use Plan; however, because the applicant applied for GR zoning, it is not required to be developed as a mixed-use project per code. Any office or commercial uses allowed in the GR district could be developed independently unless otherwise prohibited in the Conditional Overlay District; therefore, there is no guarantee that the development will include residential land uses in the mix of uses.

The proposed COD will prohibit and limit certain land uses, limit building heights, add design requirements, add open space, landscaping, and screening requirements, limit

exterior lighting, and add design requirements to signage.

The proposed Conditions of Approval are City staff recommended conditions that aren't incorporated in the Conditional Overlay District. These conditions include the requirements for lot combinations, traffic impact analysis, public/private pedestrian connections, additional right-of-way to meet current standards, access restrictions and site plan review.

REMARKS:

The Planning and Zoning Commission held a public hearing on April 22, 2023, and recommended to deny, by a vote of 7 to 1.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. This rezoning application was submitted prior to the adoption of the Forward SGF Comprehensive Plan therefore, the previously adopted Vision 20/20 Comprehensive Plan and the elements of that plan will be used to evaluate this rezoning request.
2. The Growth Management and Land Use Plan designates this area as appropriate for Low Density Housing uses. The Vision 20/20 Plan identifies the area south of Sunshine Street/National Avenue intersection as a planned/potential Community Scale Activity Center, which is slated for locations of significant business and high-density housing development, however, the northwest quadrant (subject site) is not identified on the map as within the Activity Center.
3. The Plan promotes non-residential or a mix of residential and non-residential development to be concentrated in and around the Activity Centers to optimize transportation investments, citizen convenience, investor confidence, and a compact growth pattern and notes that land in each Activity Center would be intensively and efficiently used. Objective 9 of the Plan notes that plans, regulations, and public investments should promote additional new employment, intensified retail business, higher density housing and convenient transit service, noting that the elements of an Activity Center will vary from one another, but each should include at a minimum, retail and office buildings and ideally multifamily housing, restaurants, and community facilities. Surrounding properties in and around the same intersection have been developed with medical office and retail land uses and have formed the foundation for long-term growth and a change in the land use pattern to the north, south and east. The areas around the hospital campus have created a non-residential/mixed-use development pattern along Sunshine Street. Development at the northeast corner is a mix of retail and office space and at the southwest corner, medical office. Despite the redevelopment within the three quadrants surrounding the intersection, the subject

properties have remained developed as medium density single family residential. It's unknown if that is as a result of the map designating the subject site outside of the Activity Center or for some other reason.

4. Although the location of the subject site is not within the mapped boundaries of an Activity Center and the land use designation is residential, staff is of the opinion that the mix of land uses as proposed by the applicant meets certain objectives of the Plan where it is intended that additional development be concentrated in and around Activity Centers so as to optimize transportation investments, citizen convenience, a compact growth pattern and where land in each Activity Center would be intensively and efficiently used. The range of proposed uses in the COD are compatible with the uses permitted on other property in the immediate vicinity. Adequate utilities exist and the impact of the uses on the volume of vehicular and pedestrian traffic and traffic safety are or have been mitigated via use limitations in the COD and traffic related conditions of approval recommended by staff.

5. The Growth Management and Land Use Plan identifies Sunshine Street, Campbell, and National Avenues as Transitional Roadway Corridors. Over time, nonresidential development patterns in this area have created a transportation and land use relationship that have shifted from one in which there was low roadway traffic volume and low access demand to one of high volume and higher access demand. The Plan suggests that housing quality may deteriorate in such locations because few people want to make a long-term ownership commitment in an environment degraded by high auto traffic volumes, however, the plan also suggests that it is possible to sustain single family housing along a busy arterial road depending on several factors inherent in the neighborhood such as convenience to jobs, shopping, and community amenities. The neighborhood adjacent to the subject site appears to be viable and intact. Little to no degradation of quality is apparent and the development pattern along Sunshine Street and National Avenue west of the intersection has not been punctuated by non-residential land uses over time, unlike that which has occurred east of National Avenue, along Sunshine Street, where the corridor has changed from residential to non-residential.

6. The Growth Management and Land Use Plan recommends limiting auto-oriented commercial districts to major arterial streets when the surrounding development pattern will not support high levels of pedestrian use or to streets where auto-oriented land uses can be compatibly concentrated. The properties are located at a major intersection of two arterial roadways. Commercial and office uses exist at all other corners of this major intersection. The Plan seeks to identify and designate locations as mixed-use that are close to higher-density residential neighborhoods, encouraging a mix of mutually supportive commercial and entertainment activities, pedestrian-friendly gathering places, transit service, and flexible parking requirements. Site design standards that attract pedestrians by bringing storefronts and windows to the sidewalk and orienting building faces to the street are encouraged.

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

8. The impact to University Street (local roadway) has been addressed by the traffic impact analysis submitted with the rezoning application. It is recognized that some traffic will utilize local streets, however, the traffic impact analysis determined that there would be no substantial impact to the residential streets in this area. The residential streets will be able to reasonably accommodate the traffic generated by the proposed development and redevelopment will not increase safety concerns. Streets in this area are interconnected, and interconnectivity enhances neighborhood access to the potential retail or personal services of the development without subjecting additional traffic to National Avenue or Sunshine Street. This type of connectivity is supported by the Growth Management and Land Use Plan of the Comprehensive Plan which states that commercial areas should be served by major roads which have adequate capacity and should provide access at locations that do not contribute to congestion at major intersections.

9. While the applicant did not commit to design details to the extent staff would prefer, staff has determined that enough parameters have been set to provide compatibility between the subject property and neighboring properties to the degree that satisfies the Comprehensive Plan.

10. Staff finds the proposed rezoning request to be consistent with the Comprehensive Plan and the findings set forth in Section 36-367 of the Zoning Regulations and recommends approval of the requested rezoning to General Retail ("GR") COD No. 220 subject to the staff conditions of approval as set forth in Attachment 2 of the report.

Submitted By: Daniel Neal, Senior City Planner

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

Maurice S. Jones, Deputy City Manager 5/15/2023

- Attachments:**
1. Z-27-2022 w COD 220_ord
 2. Z-27-2022 COD 220_exhA
 3. Z-27-2022 COD 220_exhB
 4. Z-27-2022 COD 220_exhC_Att1-4
 5. Z-27-2022 COD 220_exhC_Att5a
 6. Z-27-2022 COD 220_exhC_Att5b(zip)
 7. Z-27-2022 COD 220_exhC_Att5c (zip)

One-rdg. _____
P. Hrngs. X
Pgs. 439
Filed: 05-16-23

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-119

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 2.6 acres of property generally located at 1739, 1745, and 1755
4 South National Avenue, 1138 East University Street, and 1111,
5 1119, 1133, and 1141 East Sunshine Street from R-SF, Single-
6 family residential district, to GR, General retail district, with
7 Conditional Overlay District No. 220; establishing Conditional
8 Overlay District No. 220; and adopting an updated Official Zoning
9 Map. (Staff recommends approval, and Planning and Zoning
10 Commission recommends denial.)
11 _____
12

13 WHEREAS, an application has been filed for a zoning change of the property
14 generally located at 1739, 1745, and 1755 South National Avenue, 1138 East University
15 Street, and 1111, 1119, 1133, and 1141 East Sunshine Street from R-SF, Single-family
16 residential district, to GR, General retail district, with Conditional Overlay District No.
17 220; and
18

19 WHEREAS, Conditional Overlay District No. 220 shall modify the requirements of
20 the Springfield Land Development Code Section 36-421, GR, General retail district, by
21 requiring that the property described in "Exhibit A" comply with the requirements
22 described in "Exhibit C – Attachment 1;" and
23

24 WHEREAS, City staff recommended additional conditions of approval with regard
25 to the application for zoning change, which additional conditions are considered part of
26 the application for rezoning and are set forth in "Exhibit C – Attachment 2;" and
27

28 WHEREAS, following proper notice, the Planning and Zoning Commission held a
29 public hearing on April 6, 2023, a copy of the Record of Proceedings from said public
30 hearing being part of "Exhibit B," which is attached hereto and incorporated herein in its
31 entirety; and
32

33 WHEREAS, the Planning and Zoning Commission discussed the application for

34 zoning change at its meeting on April 20, 2023, and voted to recommend denial of the
35 application as presented by staff, a copy of the Record of Proceedings from said
36 discussion and vote being part of "Exhibit B;" and
37

38 WHEREAS, the City has reviewed the applicant's request and prepared a staff
39 report concerning the application, which is attached hereto and incorporated herein by
40 this reference as "Exhibit C;" and
41

42 WHEREAS, proper notice was given of a public hearing before City Council, and
43 said hearing was held in accordance with the law.
44

45 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
46 SPRINGFIELD, MISSOURI, as follows, that:
47

48 Section 1 – The property described in "Exhibit A," which is attached hereto and
49 incorporated herein by this reference, is hereby rezoned from R-SF, Single-family
50 residential district, to GR, General retail district, with Conditional Overlay District No.
51 220, and with the conditions of approval set forth in "Exhibit C – Attachment 2."
52 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for
53 interpretation,' is hereby amended, changed, and modified consistent with this
54 Ordinance.
55

56 Section 2 – City Council hereby establishes Conditional Overlay District No. 220,
57 which shall contain the requirements and standards provided in "Exhibit C – Attachment
58 1," which is attached hereto and incorporated herein by this reference as though set
59 forth herein. The requirements of Conditional Overlay District No. 220 shall modify the
60 requirements of the Springfield Land Development Code 36-421, GR, General retail
61 district, by requiring that the property described in "Exhibit A" comply with the
62 requirements contained in "Exhibit C – Attachment 1."
63

64 Section 3 – City Council hereby directs the City Manager, or designee, to update
65 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
66 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
67 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
68 rules of interpretation.'
69

70 Section 4 – The Official Zoning Map herein adopted shall be maintained and
71 archived in the same digital form in which this Council has approved its adoption.
72

73 Section 5 – This Ordinance shall be in full force and effect from and after
74 passage.
75

76 Passed at meeting: _____
77

78 _____
79 Mayor

80 Attest: _____, City Clerk

81

82 Filed as Ordinance: _____

83

84 Approved as to form: Jill Bunn, Assistant City Attorney

86

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

88

LEGAL DESCRIPTIONS

1138 E University Street, Springfield, MO 65807

ALL OF THE EAST SEVENTY (70) FEET OF LOT FOURTEEN (14), IN UNIVERSITY HEIGHTS, AN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI ACCORDING TO THE RECORDED PLAT THEREOF.

1739 S. National Avenue, Springfield, MO 65804

ALL OF LOT TEN (10), IN UNIVERSITY HEIGHTS, AN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI ACCORDING TO THE RECORDED PLAT THEREOF.

1745 S. National Avenue, Springfield, MO 65804

ALL OF LOT ELEVEN (11) IN UNIVERSITY HEIGHTS, AN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

1755 S. National Avenue, Springfield, MO 65804

TRACT I:

ALL OF LOT TWELVE (12), UNIVERSITY HEIGHTS, AN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT II (1141 E. Sunshine Street, Springfield, MO 65804):

THE EAST ONE HALF (E1/2) OF LOT THIRTEEN (13), UNIVERSITY HEIGHTS, AN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

1133 E. Sunshine Street, Springfield, MO 65807

ALL OF THE WEST ONE-HALF (W1/2) OF LOT THIRTEEN (13) IN UNIVERSITY HEIGHTS, AN ADDITION, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

1119 E. Sunshine Street, Springfield, MO 65807

ALL OF LOT TWENTY-EIGHT (28), IN UNIVERSITY HEIGHTS, AN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

1111 E. Sunshine Street, Springfield, MO 65807

ALL OF THE EAST FIFTY (50) FEET OF LOT TWENTY-NINE (29), IN UNIVERSITY HEIGHTS, AN ADDITION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

EXHIBIT B

RECORD OF PROCEEDINGS

Planning and Zoning Commission – April 6, 2023

Z-27-2022 w/COD #220

1739, 1745 & 1755 South National Avenue and 1111, 1119, 1133 & 1141 East Sunshine Street and 1138 East University Street

Applicant: BK&M, LLC

Mr. Lebeck recused himself.

Mr. Daniel Neal stated that this is a request to rezone approximately 2.6 acres of the subject property generally located at 1739, 1745 and 1755 S. National Avenue, 1138 E. University Street and 1111, 1119, 1133 and 1141 E. Sunshine Street from R-SF, Single-Family Residential District to GR, General Retail District and establishing a new Conditional Overlay District No. 220. Staff recommends approval.

Mr. Brett Foster, Traffic Engineer gave out information regarding the transportation system and how decisions are based on the majority of drivers and how they will react to a given change. A traffic study identifies traffic control measures, safety concerns, etc., and are based on nationally adopted standards for public safety. CJW was selected to provide the traffic study and noted that they have exceptional level of knowledge of the community and traffic engineering.

Mr. Dane Seiler, CJW, professional engineer and has completed over 500 traffic studies and went over their process of what a traffic study entails and possible restrictions. Spoke about the access points and lane movement management from National Avenue, Sunshine Street, and University Street and what other city streets may be used.

Mr. Scott asked for clarification about staff's preference for a Planned Development while still recommending approval.

Mr. Neal noted the Comprehensive Plan and is recommended as part of the plan and the applicant has addressed these items with their Conditional Overlay District (COD).

Ms. Istenes noted that a Planned Development is preferred, however a rezoning to General Retail with a Conditional Overlay District (COD) was the applicant's preference and they took as many of the elements of a Planned Development, including a site plan that would establish design criteria and staff conditions.

Mr. Scott asked about qualifiers for a vape shop that it is "stand alone."

Mr. Neal said if it were a primary use of a store or shop that it would not be allowed.

Mr. Scott asked about storm water being directed to the east side.

Mr. Codichini said they will have to provide water detention quality and the best route would be across National Avenue to the east side.

Mr. Colony asked again about staff preference for a Planned Development.

Mr. Neal noted that they would prefer a Planned Development.

Mr. Colony asked about roof lines recommendations and why it was not addressed.

Ms. Istenes noted that the developer can say why it was not addressed.

Commission members asked about traffic calming measures and access control with Mr. Foster, Traffic Engineer and what the city could accommodate and traffic standards, i.e., adding left turn lane, additional lanes, street widening etc., and a traffic chart was presented.

Mr. Knuckles asked about the traffic study and the access and Mr. Foster noted that it is very comparable to what the traffic chart (shown on screen) is rendered and what needs to be completed.

Mr. Jobe asked about the bulk plane between R-SF, Residential Single-Family District and maximum building height in R-SF.

Mr. Neal noted that there is no bulk plane between single family zoned lots and maximum building height in R-SF is 45 feet.

Mr. Jobe asked about a motion for approving/denying the application and/or motion to approve with conditions with staff approval and if this is an option.

Ms. Burris, Assistant Attorney stated that those are the options available.

Mr. Knuckles asked about the buffer yard and if a fence will be proposed.

Mr. Neal noted that they are proposing a fence following along the west and north property boundaries.

Mr. Jobe opened the public hearing.

Mr. Bryan Fisher 2144 E. Republic representative for the applicant and went over the history (developed over 100 years ago) and what they vision for the area what they believe would be the highest and best appropriate use of the property. He also noted that the houses along the corner of Sunshine Street and National Avenue are no longer owner occupied and many of the lots have been subdivided and feel that General Retail with a Condition Overlay District (COD) is the best and appropriate use of the property.

Mr. Colony asked about highest and best use comment and who determines that?

Mr. Fisher noted that the Planning and Zoning have given the 8 factors that are used in the city staff report, and it is the Commissions job to determine the highest and best use.

Mr. Colony asked about them purchasing the property before attempting to rezone to General Retail from a Single-Family Residential District and now they want to have it redeveloped and have the Commission determine the highest and best use.

Mr. Fisher believes that they have put together an application that shows the best and highest use.

Mr. Colony also noted that Mr. Fisher stated that no one would want to live there as owner occupied and they are not blighted.

Mr. Fisher noted that almost all were rentals and partially occupied, but one was a halfway house and is not occupied currently.

Ms. Ridge asked about the large white house and its condition and if occupied.

Mr. Fisher said that the property was occupied, however was deteriorating and required a new heating/air conditioning unit as well as new windows and would not be cost worthy.

Ms. Gunther agreed that the properties along Sunshine/National would have problems with occupancy but wonders why 1138 E. University Street is part of the development.

Mr. Fisher noted that it may be for an appropriate buffer yard, and they do not want any shallow lots and this will allow for more open space.

Ms. Gunther asked it would be a parking lot.

Mr. Fisher is not sure what it will be but will depend on a plan approved by the city.

Ms. Broekhoven asked about a site plan and noted it is a great tool for entitlements when rezoning and why the applicant chose General Retail with a Conditional Overlay District (COD) versus a Planned Development as recommended.

Mr. Fisher said they at this time do not know what specific tenants/businesses will be leasing and if they had to change development (building structure) they would have to go back to the Commission for any changes and believes this is the best way forward (economic concerns).

Ms. Broekhoven asked about the applicant's position to move forward with additional documents as required by staff as presented to City Council.

Mr. Fisher said that they are supportive of the request with the staff recommendations.

Mr. Pauly noted the comment about living on that corner and would not personally presume to tell anyone where they would want to live but looking at multi-use (apartments) and that would put how many more people on the corner.

Mr. Fisher believes it is not a location for owner-occupied single-family residences (not built for current level of noise, etc.) but apartments can effectively address the sound issues created by traffic and being close to the hospital/helipad and are part of a regular commercial development.

Mr. Scott asked about the site plan renderings seen in the press and asking if these are what is being proposed or not.

Mr. Fisher noted that he is only aware of the renderings shown at one of the neighborhood meetings and the overwhelming feedback was the scale (height) was not something they liked and so they have limited in the COD the height of the buildings. He also stated that the developer has met dozens of times with the neighbors over the past months.

Mr. Scott asked what else was being discounted.

Mr. Fisher stated that they are recognizing what the developer could do and is incorporated into the Conditional Overlay District (COD) and what is before this commission is the application.

Mr. Knuckles asked if the occupancy of the buildings were considered in the traffic study.

Mr. Fisher said that staff noted a new traffic study is required if any changes in the factors and based on a certain number of square feet for general retail, office space and residential.

Ms. Ridge asked what is under consideration for the development.

Mr. Fisher noted that the prior rendering (presented at one of neighborhood meeting) would not work and an application for rezoning is not for considering the end use and stating that the law is very clear on an application for rezoning, that the consideration of the ultimate end use is inappropriate.

Mr. Scott asked the City Attorney if that last statement was correct and if the eight points/items that are set forth in city code are only allowed and if they can insert implicit points of their own.

Ms. Burris, City Attorney said the Commission's decision is not governed by general law but factors on rezoning amendments pursuant to Section 36-367 of the Zoning Ordinance and quoted the section and noted the explicit points are set forth in city code and are exclusive.

Mr. Knuckles noted for clarification that establishing conditions is for the use of the property, not what the actual building is going to be, and it is up to the developer.

Mr. Bo Hagerman, 304 N. College and here as the designing architect and noted the developer has been very engaged with the community for the highest and best use and said the Conditional Overlay District (COD) has been rewritten five times based on staff recommendations. Stated that there is a strong attempt to get it right and believes the previous renderings will not work because of the reduced scale of the development and noting that University Heights is a wonderful neighborhood, but there is Mercy Hospital and now Cox on the other corners and other things that are around that are equally important to address.

Mr. Jordan Odom, 1722 Catalpa, certified arborist and owner operator of a local tree company and presented a poster showing current trees (type) in the development area and to talk about tree preservation and noted that there are approximately six trees that can be protected.

Mr. Colony asked if he was brought in by the applicant to do a study of the existing trees.

Mr. Odom noted that he had made the recommendation of which trees would be a good idea to keep and the developer is 100 percent in line.

Ms. Donna Hemann, 1039 E. University, president of University Heights went over a copy of the crime and property value analysis and went through a group of slides from around the proposed development area and where large buildings can be seen behind single family residential houses. She asked for additional time from three minutes to five minutes since she is representing more than 1000 people.

Discussion and consultation with the City attorney, the Rules of Procedure, and Robert's Rules for the request.

COMMISSION ACTION: (allowing additional speaker time)

Mr. Colony motioned to **allow 5 minutes for the speaker**. Mr. Pauly seconded the motion. Ayes: Jobe, Broekhoven, Colony, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None.

Continued to exhibit the slides and commenting what the homeowners stand to lose if the rezoning is substantial as their home may be their largest investment.

Mr. Pauly asked about the breakdown of crime in the area.

Ms. Hemann noted that University Heights has a low crime rate and believes it is attributed to the residential boundaries that are currently at risk and mentioned the empty retail and commercial across from National Avenue.

Mr. Scott asked about one of the pictures showing a four-story apartment on the other side of a privacy fence and the lack of a bulk plane requirements.

Ms. Hemann believes it does show the lack of bulk plane requirements and stated it has a larger buffer zone than what the developer is currently is proposing.

Mr. Lee Viorel, 901 E. St. Louis Street and would like the commission to table the application until the purposed corridor study can be completed. He also noted that the Springfield Comprehensive Plan says the area is residential single family and believes that there should be a commitment to conserve existing viable neighborhoods and that General Retail zoning is intended to be at least five acres in size and the proposed development is not five acres.

Mr. Courtney Fletcher, 1011 E. University, and believes that the law is clear, and it is unlawful to rezone due to the history of deed restrictions and each deed has building restrictions, however the city does not consider enforcing such matters as they must be determined by a court. She also asked for this matter to be tabled until the lawsuit is finished.

Mr. Don Dunbar, 932 E. Kingsbury Street stated his daughter would have been happy to live in the house that was demolished, and his concerns are stormwater and drainage. He gave out examples of when there a lot of rainfall that most of the houses in the area do backup into their basements and does not want this development.

Mr. Ashton Lewis, 1032 E. University voiced his concerns for the various proposals by the developer and noted that a home was recently purchased (1721 S. National Avenue) for approximately \$700,000 and the properties are not uninhabitable by property owners. He also stated that environmental concerns are

noise, odor (garbage bins and grease traps), light pollution, increased traffic and also mentioned the deed restrictions.

Mr. Mark Fletcher, 1011 E. University stated that the city (staff) is incompetent, deceitful, and duplicitous and that his property rights should be respected, and this should be tabled.

Mr. John Stinson, 1110 E. Stanford voiced his support for the University Heights Neighborhood Association and noted his concerns were for traffic and safety of the residents who are walkers and believes that the project will cause more traffic safety issues.

Ms. Holly Acharya, 972 E. Linwood Drive said she is opposed to the rezoning and how it would impact pedestrians and cyclists and noted that the neighborhood is full of children, walkers, joggers, and bike riders and believes their safety would be impaired and stated that the increase in traffic would put everyone at risk.

Ms. Margaret Castrey, 1006 E. Linwood Drive stated that she is opposed to the rezoning.

Ms. Dixie Sleight, 1124 E. University is concerned about the quality of life and University Heights has a large open space with wonderful trees and noted one behind her house is a large crab tree that she hopes can be saved. She also commented that she is concerned that behind her house will be a parking lot and that the construction (noise and dust) will last approximately three years.

Ms. Shelia Dunbar, 932 E. Kingsbury and would like to yield her time to Mr. Don Dunbar.

Discussion with City attorney and Commission if this is allowed and it was determined that rights regarding debate are not transferable unless the organization has a specific rule on a subject and a member cannot yield any unexpired portion of their time to another member or reserve and reserve any portion of time for later.

Ms. Shelia Dunbar voiced her opposition to the development and the statements made by the other homeowners.

Mr. Jeff Carney, 920 E. Kingsbury, said he was a 31-year resident and noted that his friends feel that this is an existential issue for the neighborhood, houses, and well-being. He voiced his concerns for possible additional cars in the area and lack of sidewalks and people using the neighborhood streets to get to Sunshine and National and requests that the development be postponed.

Ms. Norma Capecci, 900 E. Kingsbury Street stated that the staff report notes that the plan would fulfill the desire for higher density development, however, does not believe it conforms to the scale of the other three corners of the adjacent neighborhood. She also voiced her concern that the development could be six stories and too large in scope and that the developer has listed the property with a broker advertising for lease for sale or built to suit. She also stated that there is 83 percent of owner occupied in University Heights.

Ms. Susan Robinson, 1010 E. University Street stated that the deed restrictions indicate that only private residents or single-family homes can be built on the land and commented about a traffic division report from October that Sunshine and National are one of the busiest intersections with the highest number of

accidents in Springfield. Gave an example of what has happened when motorists use alternative streets to get by the traffic and believes this would happen more because of the development.

Ms. Barbara Rae Hughes, 951 E. Portland asks how the developer/representative could swear that the corner is not suitable for residences since he going to be putting in more residences (apartments) and how can everything be compatible to the neighborhood?

Ms. Evelyn Mangan, 818 E. Portland and has lived here for approximately 54 years and would like this to be tabled until the proposed moratorium asked by Councilman Hosmer is completed. She also stated that it looks like another house is ready to be demolished and is concerned that all the houses will be taken out before a moratorium is in place and believes that the proposal can be rejected based on the eight items/points.

Mr. Britton Jobe closed the public hearing.

Mr. Colony stated that they have been given a large amount of information to review and he has not heard of any reasonable justification for the highest and best use and would like to postpone any action until the Commission has time to review the detailed information and allow for time the other issues to be resolved. He also said that the quality of neighborhoods is the biggest asset of a city but cannot make the best assessment at this time and requested a postponement to have time to review.

COMMISSION ACTION: (postponing)

Mr. Colony motioned to postpone Z-27-2022 w/COD #220 (1739, 1745 & 1755 South National Avenue and 1111, 1119, 1133 & 1141 East Sunshine Street and 1138 East University Street) to a date to be determined to review the information. (No second). No Vote.

Ms. Broekhoven believes that applicant has brought forth their information and the city has provided the requirements for the Commission.

Mr. Scott stated that he would like more information and does not agree that this is just a check box of eight items that is to be discussed only and ignore what has been presented by the neighborhood but does not believe it should be an open-ended time frame. Also, would like the opportunity for staff clarification on General Retail zoning and the minimum of five acres.

Mr. Knuckles would like to go forward and take a vote.

Mr. Pauley believes that the Commission needs to make the right decision and requests that Commissioner Colony amend his proposal and add an actual date for a postponement.

Mr. Jobe would like to go forward and take a vote and gave his reasoning.

Further Commission discussion on postponement and information/clarification received from the neighborhood.

Ms. Ridge stated that she is concerned how our community looks and possible preservation of some of the historic structures and would like to take this into consideration before the final decision.

Ms. Gunther says she is struggling about the house (1138 East University Street) and believes that its development is encroaching on the neighborhood.

More discussion on possible postponement to allow more time and/or taking a vote now.

COMMISSION ACTION: (postponement)

Mr. Colony motioned to postpone the vote on this matter to allow more time for deliberation by the Commissions to the April 20, 2023, meeting (debate and vote). Mr. Scott seconded the motion. Ayes: Colony, Pauly, Ridge, and Scott. Nays: Jobe, Broekhoven, Knuckles, and Gunther. Abstain: None. Absent: None. **Tied vote – MOTION Denied.** Mr. Lebeck recused himself.

Mr. Jobe asked for advice on how to proceed.

Ms. Burris, City Attorney stated that the Commission can continue to debate until a further motion can be agreed upon and voted on when there is a tie vote.

COMMISSION ACTION: (approval)

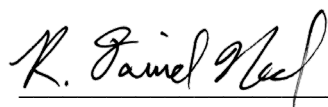
Mr. Knuckles motioned to **approve** with conditions in the staff report for Z-27-2022 w/COD #220 (1739, 1745 & 1755 South National Avenue and 1111, 1119, 1133 & 1141 East Sunshine Street and 1138 East University Street). (No second). No Vote.

COMMISSION ACTION: (postponement)

Ms. Broekhoven motioned to **postpone the debate and vote to April 20, 2023**, for Z-27-2022 w/COD #220 (1739, 1745 & 1755 South National Avenue and 1111, 1119, 1133 & 1141 East Sunshine Street and 1138 East University Street). Mr. Pauly seconded. Ayes: Broekhoven, Colony, Pauly, Ridge, and Scott. Nays: Jobe, Knuckles, and Gunther. Abstain: None. Absent: None. Mr. Lebeck recused himself.

Mr. Jobe requests advice regarding using the same motion again.

Ms. Burris noted that since it was a tie vote previously that it was not decided upon.



Daniel Neal
Senior Planner

RECORD OF PROCEEDINGS
Planning and Zoning Commission – April 20, 2023

Z-27-2022 w/COD #220

1739, 1745 & 1755 South National Avenue and 1111, 1119, 1133 & 1141 East Sunshine Street and 1138 East University Street

Applicant: BK&M, LLC

Public hearing closed on April 6, 2023. Commission discussion and vote only.

Mr. Scott noted that these types of projects/cases will be coming more and more in the future and the city needs redevelopment and if this is the area that needs redevelopment. He noted that the original public renderings are not what is proposed and does not have the same comfort level with the vagueness of the general retail zoning and the highest and best use and will not be supporting the motion.

Ms. Broekhoven went over the Vision 20/20 language and stated that University Heights is a beloved neighborhood and a benchmark of success (private reinvestment, walkability, density, etc.) and believes that the property can be rezoned in alignment with Vision 20/20 and can create a gateway from the residential crossroads along National Avenue and Sunshine Street to the commercial blocks. She also noted that the intensity of the rezoning is nothing more than a speculative idea of what could be the highest and best use.

Ms. Gunther believes the rezoning encroaches too much into the neighborhood (1138 S. University Street). She stated that she is okay with rezoning National Avenue and Sunshine Street but rezoning on University Street would cause additional commercial traffic (trash trucks, etc.) coming through the neighborhood and will not support it.

Ms. Ridge gave a brief history of living in Springfield when she was a child and noted the changes over the years and hopes that the area can have a happy compromise.

Mr. Colony voiced his concerns that it is not a Planned Development which allows for uncertainty at a high cost to the neighborhood and see plenty of areas that need to be redeveloped and does not believe that this is one of them and it also will not compliment the neighborhood, so he will not support it.

Mr. Pauly also mentioned Vision 20/20 and that neighborhoods need to exhibit some sense of identity and University Heights is mature and its identity has already been established a long time ago and plans to deny the request by following Vision 20/20 and supporting the neighborhood and their sense of identity.

Mr. Knuckles believes this area will eventually be developed but thinks the houses will maintain their value and gave an example of adjusting to increased traffic. He stated there is too much vagueness in the rezoning proposal and said that the developer chose a method to accommodate tenants and that was how the site was going to be developed and would like a more definitive development before being able to support it.

Mr. Jobe talked about arterial roadways framing a single-family neighborhood stating that the plan encourages development in transitional corridors and land uses that effect low intensity uses adjacent to

high intensity uses. He noted that the plans encourage neighborhoods to scale down transitions (step down zoning) and believes the Conditional Overlay District addresses the potential conflict aspects and plans to support it.

Mr. Colony stated that neighborhoods are to be protected and this is a perfect place for an activity center, but we don't really know what is being developed and talked about neighborhoods next to arterial roadways and high-end intensity development and has not changed his mind to not support it.

Mr. Scott wants to encourage the neighborhood and developer to work together to get beyond the "no and heck no stage" noting that Springfield continues to age and redevelop and find the middle ground and be an example for future development.

Ms. Ridge noted that larger cities have older/larger homes existing along busy streets/boulevards and are doing well and believes it can happen here if handled right. This area makes Springfield unique and would like for it to continue.

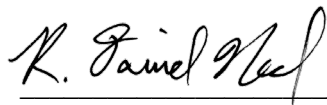
Mr. Pauly noted that Springfield is unique, and it is one of the building blocks that helps decide how the future looks and believes economic development is going on around the city and has pushed residents to the outside areas.

Ms. Broekhoven stated that she drives past the proposed development twice a day and hopes the neighborhood and developer can find a compromise and that 1755 South National has sat vacant for a long time demonstrating that it is no longer the highest and best use of that property.

Commission talked about why the house at 1755 S. National sat vacant for a long time (cost, rehab, city had purchased it to make intersection improvements, but no one was willing to purchase it) and talked about what was proposed there a few years ago.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-27-2022 w/COD #220 (1739, 1745 & 1755 South National Avenue and 1111, 1119, 1133 & 1141 East Sunshine Street and 1138 East University Street). Ms. Broekhoven seconded the motion. Ayes: Jobe. Nays: Broekhoven, Colony, Knuckles, Pauly, Ridge, Scott, and Gunther. Abstain: None. Absent: Lebeck. **Motion Failed**



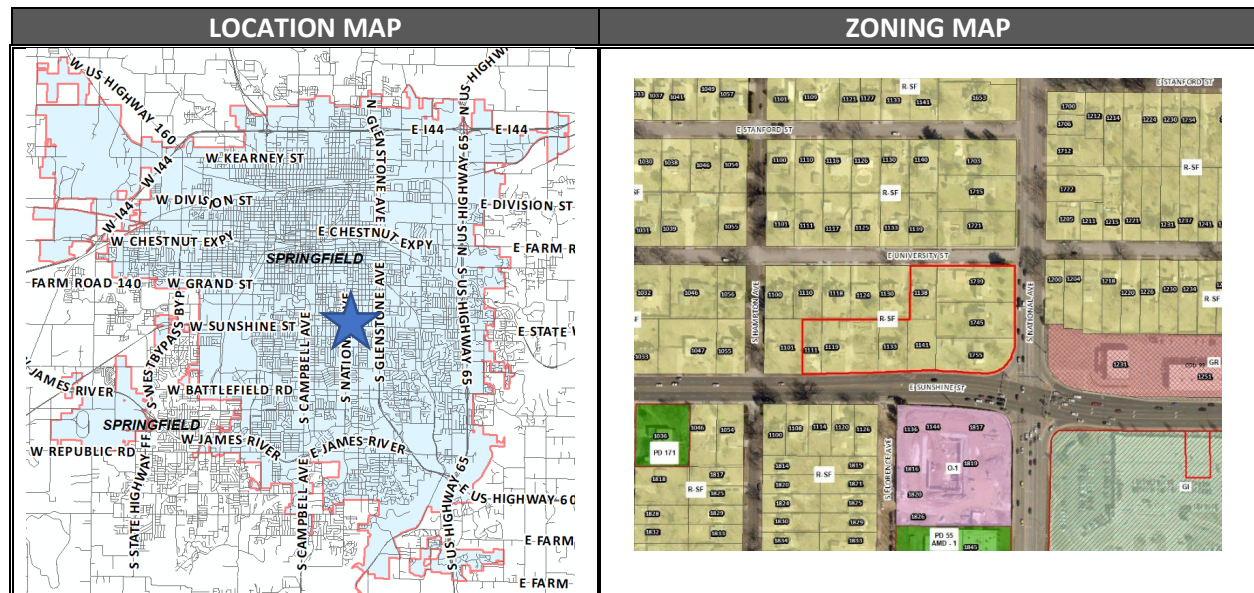
Daniel Neal

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Z-27-2022 w/COD No. 220
Location:	1739, 1745 and 1755 S. National Avenue and 1138 E. University Street and 1111, 1119, 1133 and 1141 E. Sunshine Street
Total Acres:	2.6 acres
Applicant:	BK&M, LLC
Existing Land Use:	Single-family residential and vacant lots
Neighborhood Meeting:	October 24, 2022
Planning and Zoning Commission:	April 6, 2023
City Council:	May 22, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Daniel Neal, Susan Istenes
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

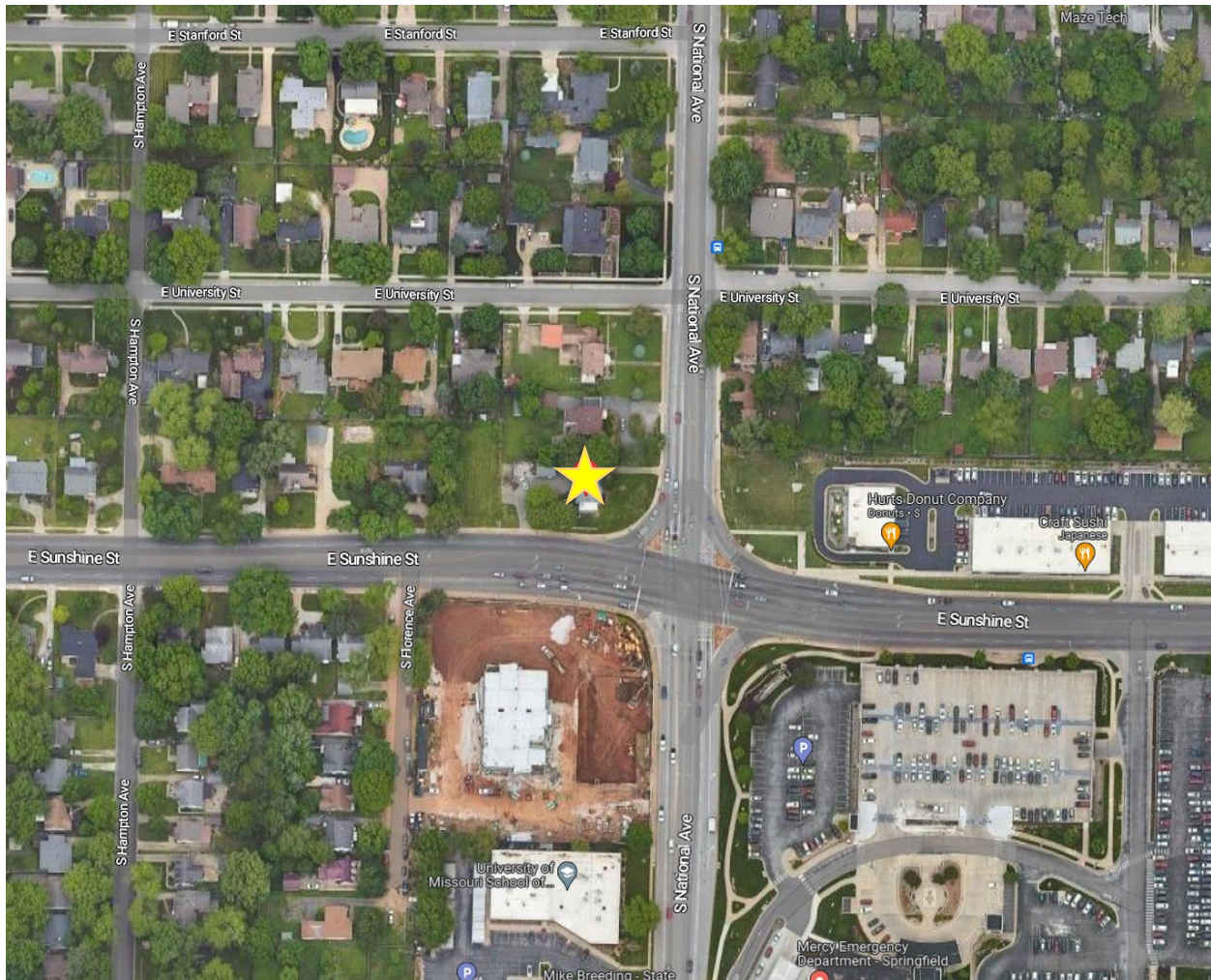
PROJECT SUMMARY:

Request to rezone approximately 2.6 acres of the subject property generally located at 1739, 1745 and 1755 S. National Avenue, 1138 E. University Street and 1111, 1119, 1133 and 1141 E. Sunshine Street from R-SF, Single-Family Residential District to GR, General Retail District and establishing a new Conditional Overlay District No. 220. This rezoning application was submitted prior to the adoption of the Forward SGF Comprehensive Plan, therefore the previously adopted Vision 20/20 Comprehensive Plan and the elements of that plan will be used to evaluate this rezoning request.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT



PROPERTY HISTORY:

These properties were annexed in 1926 and have been zoned R-SF, Single-Family Residential District since the Citywide remapping in 1995.

The original rezoning application was submitted in August of 2022 for the rezoning of 5 lots to General Retail (GR) with a conditional overlay district. In November 2022, a revised rezoning application was submitted that included 3 additional lots along Sunshine Street with a revised conditional overlay district.

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.

DEVELOPMENT REVIEW STAFF REPORT

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 REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR GENERAL RETAIL DISTRICT
Use Limitations	(a) All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorized or commercial vehicles shall be prohibited. Other outdoor activities that are not specifically permitted may only be allowed as an accessory use to the permitted uses as provided in subsection 36-421(2), permitted uses, as follows: 1. If any portion of the premises abuts any residential zoning district, the outdoor activities may be permitted, provided they meet the provisions of, and a conditional use permit is issued pursuant to Section 36-363, conditional use permits, of this article. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services. 2. If the premises abuts only nonresidential zoning districts, the outdoor activities may be permitted. A conditional use permit will not be required. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services. (b) No outdoor storage except as provided in subsection 36-421(2), permitted uses, and subsection 36-421(3), conditional uses. (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. (d) No use shall emit an odor that creates a nuisance as determined by Springfield City Code. (e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22). (f) Streets through an adjacent residential area shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.
Minimum Lot Size	Not applicable to the GR, General Retail District
Maximum Height	Not applicable to the GR, General Retail District
Bulk Plane	All structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts.

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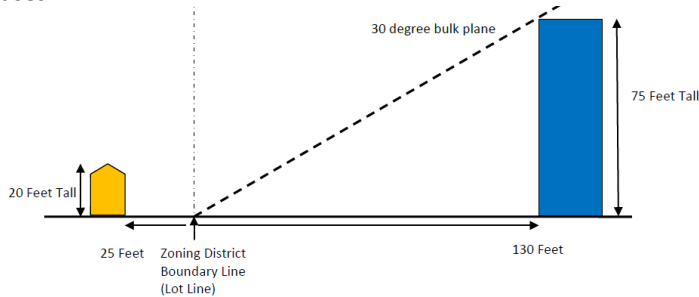
Minimum Yard Requirements	Front yards – 25 feet when fronting on a street classified as collector or higher, or as required by Section 36-453, Supplemental open space, and yard regulations. 15 feet when fronting a street classified as local, or as required by Section 36-453. The front yard setback may be reduced below the minimum required above if a Conditional Use Permit is approved in accordance with Section 36-363, Conditional use permits, or if a preliminary plat is approved in accordance with the City's subdivision regulations. Side yards – None, except as required by Section 36-453 and the bufferyard requirements contained in Section 36-482, Landscaping and bufferyards. Rear yards – None, except as required by the bufferyard requirements contained in Section 36-482.
Minimum Open Space	Not less than 20 percent of the gross site area shall be devoted to open space, including required yards and bufferyards unless modified in accordance with subsection 36-482 (15). Open space shall not include areas covered by buildings, structures, parking, storage, loading and other paved areas and internal streets or areas containing plants for display and sale. Open space shall contain living ground cover and other landscaping materials.
Design Requirements	(a) A site plan, meeting the requirements of Section 36-360, Site plan review, shall be submitted and approved. (b) A landscape plan, meeting the requirements of Sections 36-482 and 36-483, Off-street parking and loading design standards, shall be submitted, and approved. (c) Off-street parking and vehicular use areas shall be screened from all residential uses, in accordance with Section 36-480, Screening and fencing. (d) Refuse storage areas shall be screened from view in accordance with Section 36-480. (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with Section 36-480. (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with Section 36-484, Lighting standards. (g) Accessory buildings and structures shall meet the requirements of Section 36-450, Accessory structures and uses.
Buffering and Landscaping	Future development must comply with the interior and perimeter landscaping requirements, as applicable to a future site plan, per subsections 36-482 (9) (a) and (b), unless the property owner opts to utilize the point system described in subsection 36-482 (10) instead. Based on the proposed zoning for the subject area and the zoning of its

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neighbors, a Bufferyard Type F will be required along the north and west property line where immediately adjacent to property zoned R-SF, Single-Family Residential District. A Bufferyard S2 will be required when R-SF is across a public street from the GR District.

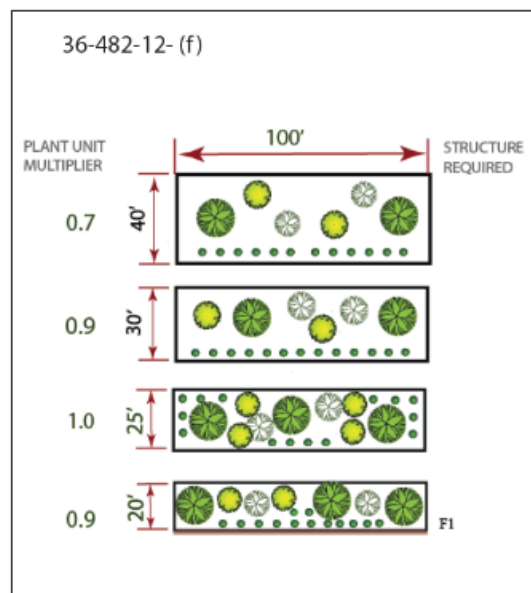
BULK PLANE

A 30-degree bulk plane is required from the boundaries of a R-SF zoning district. The result of applying a bulk plane standard is that the taller part of a structure may be pushed away from neighboring residential development, towards the center of the lots immediately surrounding the intersection (in this case) thus assisting to mitigate the differences in building height and land uses.



LANDSCAPING

Bufferyard Type F when adjacent to R-SF



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The subject property is in the northwest quadrant of the intersection of National Avenue and Sunshine Street. The *Growth Management and Land Use Plan* designate this area as appropriate for Low Density Housing uses and neither the northwest nor the northeast quadrants of this intersection are specifically identified by the Land Use Map as being located within an activity center, which is the preferred location for commercial land uses. The southeast corner is designated as community-public and only the southwest corner is indicated for medium intensity retail, office, or housing. Non-residential land uses such as the existing Mercy Hospital and related clinics have established themselves in the area along with other commercial and office uses, primarily along the eastern half of Sunshine Street and the southern half of National Avenue, on both the east and west sides. Over time, redevelopment in these areas have formed an established non-residential land use pattern and a foundation for a transitional corridor in the immediate vicinity from residential to non-residential land uses.

Different from the other three quadrants, the land use pattern at the northwest corner heading westward, on both the north and south sides of Sunshine Street have remained single family

DEVELOPMENT REVIEW STAFF REPORT

residential from the intersection and westward along Sunshine Avenue for approximately one mile. Residential development in the northwest quadrant of this intersection and along the north and south sides of Sunshine Street to the west is viable, functioning, well established and vibrant despite the large volumes of traffic that pass through the intersection and along Sunshine Street and National Avenue. As previously noted, this has not been the pattern of development for properties along Sunshine Street, east of the intersection, where a pattern of commercial and other non-residential land uses have been established along the north and south sides of Sunshine Street, over time. The last remaining piece of property at the northeast corner of Sunshine and National was rezoned to General Retail in 2016 and developed with low intensity (single story) retail and office uses, linking the older, already established commercial land uses to the east and an existing office use (later demolished) at the corner of the intersection.

The Plan encourages higher density development, particularly employment, shopping, and multi-family housing, served by transit, major roads and bicycle routes in Activity Centers and the established development pattern in the northeast, southwest and southeast quadrants of this intersection reflect the intent of the plan. This is the preferred development pattern for the Springfield area, as a means of encouraging infill growth, of using infrastructure efficiently, of reducing auto trips and creating diverse, exciting urban locations. The Major Thoroughfare Plan classifies Sunshine Street and National Avenue as primary arterial roadways, and University Street is classified as a local roadway. The *Growth Management and Land Use Plan* encourages the future location of community scale shopping areas near intersections of arterials and collector streets.

The Plan encourages higher density development, particularly employment, shopping, and multi-family housing, served by transit, major roads and bicycle routes in Activity Centers and the development pattern in the northeast, southwest and southeast quadrants of this intersection reflect the intent of the plan. This is the preferred development pattern for the Springfield area, as a means of encouraging infill growth, of using infrastructure efficiently, of reducing auto trips and creating diverse, exciting urban locations. The Major Thoroughfare Plan classifies Sunshine Street and National Avenue as primary arterial roadways and the subject properties are located at the corner of a major intersection. The *Growth Management and Land Use Plan* encourages the future location of neighborhood level shopping areas near intersections of arterials and collector streets.

Activity Centers, a key concept in the preferred development pattern for the Springfield area, are intended as a means of encouraging infill growth, of using infrastructure efficiently, of reducing auto trips and creating diverse, exciting urban locations. They encourage higher density development, particularly employment, shopping and multi-family housing, served by transit, major roads and bicycle routes.

It is intended that additional development be concentrated in and around the Activity Centers so as to optimize transportation investments, citizen convenience, investor confidence, a compact growth pattern, and a sense of urban excitement. Land in each Activity Center would be intensively and efficiently used.

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The elements of an Activity Center will vary from one to another, but each should include, at a minimum, retail and office buildings and, ideally, multi-family housing, restaurants, and hotels, entertainment, and community facilities such as churches, public agencies, libraries, parks, etc.

The *Growth Management and Land Use Plan* recommends limiting auto-oriented commercial districts to major arterial streets when the surrounding development pattern will not support high levels of pedestrian use or to streets where auto-oriented land uses can be compatibly concentrated. The properties are located at a major intersection of two arterial roadways. Commercial and office uses exist at all other corners of this major intersection. The Plan seeks to identify and designate locations as mixed-use that are close to higher density residential neighborhoods, encouraging a mix of mutually supportive commercial and entertainment activities, pedestrian-friendly gathering places, transit service, and flexible parking requirements. Site design standards that attract pedestrians by bringing storefronts and windows to the sidewalk and orienting building faces to the street are encouraged.

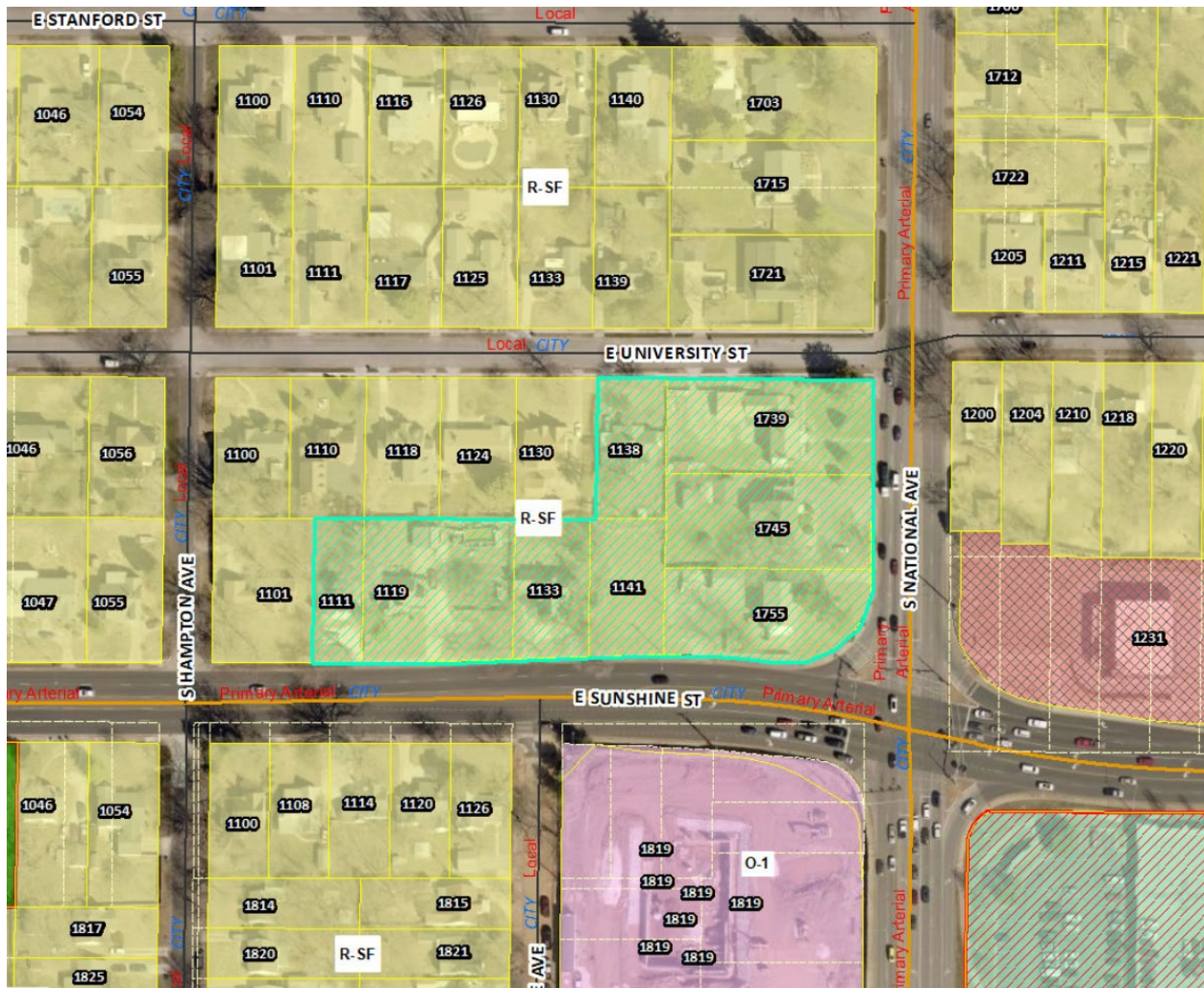
The *Growth Management and Land Use Plan* of the *Comprehensive Plan* also states that new development should be compatible with existing development in terms of scale, materials, rooflines setbacks and open space. Landscaped transitions should be used between sharply differing types of land use. The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

The Planned Development District should be used in Activity Centers per the Plan, where mixed- and multiple-use projects are promoted, and higher residential densities are desired. (Mixed-use implies housing or offices above retail or service businesses.) The Planned Development District is “wide open” in terms of what land uses it allows and how they are arranged. Despite staff’s recommendation to use the Planned Development rezoning process, the applicant opted not to use it and instead chose to incorporate enhanced development standards and other development related restrictions through a request to rezone the property to General Retail (GR) with a COD. This is allowable under the current Zoning Regulations.

The impact to University Street (local roadway) has been addressed by the traffic impact analysis, submitted with the rezoning application. The traffic impact analysis looked at the impact of traffic utilizing local streets. It is recognized that some traffic will utilize local streets, however the traffic impact analysis determined that there would be no substantial impact to the residential streets in this area. The amount of traffic projected by the report will not be enough to create a reasonably significant safety or traffic volume concern. The residential streets will be able to reasonably accommodate the traffic generated by the proposed development. Streets in this area are interconnected, and interconnectivity enhances neighborhood access to the potential retail or personal services of the development without subjecting additional traffic to National Avenue or Sunshine Street. This type of connectivity is supported by the Growth Management and Land Use Plan of the *Comprehensive Plan* which states that commercial areas should be served by major roads which have adequate capacity and should provide access at locations that do not contribute to congestion at major intersections.

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MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	O-1 & R-SF	GR & R-SF	R-SF
LAND USE	Single-family residential uses	Medical clinic and single-family residential uses	Shopping center and single-family residential uses	Single-family residential uses

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DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No issues with the proposed rezoning.
2. CITY UTILITIES:
No issues with the proposed rezoning or COD.
3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:
No objections to the rezoning; however, we have the following comments:
 - a. Public sewer is available in Sunshine, National and University. There are several existing 4-inch clay service laterals available in University and Sunshine. It is recommended that the new development extend public sewer onsite for better access. Public sewer would need to be designed and constructed according to City design standards.
4. FIRE DEPARTMENT:
All development must comply with 2018 IFC. Installation of fire hydrants and fire access lanes shall comply with 2018 IFC.
5. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:
The property is in the **Fassnight Creek** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **will not be allowed and detention is required**. The property **does not have a stream buffer on site**.

PW Stormwater only concerns with the property is based on the large amount of new impervious surface area draining to R-SF properties and the National Ave right-of-way (Primary Arterial). The PW-Stormwater concerns are addressed through the Flood Control and Water Quality Protection manual standards for Stormwater Control Measures and would not prevent a rezoning or COD. 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:

- a. Any development or redevelopment that increases runoff, through the increase in impervious surface, must meet current detention requirements per Chapter 3 Sec. 2.3.3.
 - i. Detention of stormwater runoff is required. A fee in lieu of detention for this development will not be permitted. The proposed job description and future

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site plan has eight properties combining into one lot. The combined lot and future development will add 1.23 acres of impervious area (see table below).

Total Combined Area	2.6 acres
Existing Impervious Area	0.85 acres
Proposed Impervious Area	2.08 acres
New Impervious Area	1.23 acres

- b. The current property has two drainage areas draining West and East/Northeast with the high point at 1119 E Sunshine St. The West drainage area is 0.3 acres and drains to 1111 E Sunshine St and 1110/1118 E University St. The East drainage area is 2.3 acres and drains to S National Ave along with part of E Sunshine St. The proposed site plan does not show elevations but is capable of being graded to change the drainage patterns to all 2.6 acres draining to the east.
- c. PW-Stormwater would recommend the onsite detention connect to the 48"x30" Box Culvert running North along the East side of S National Ave. The development can possibly connect to the street curb inlet box on S National Ave by 1721 E University St. The area inlet is connected the Box Culvert through an 18-inch diameter RCP.

Water Quality Requirements:

- a. 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.
 - i. Water Quality is required for the project with over 1 acre disturbed and over 1 acre of new impervious area. For the approximately 0.85 acres of area that can qualify as redevelopment the Rainfall Factor, $P=0.5$ inches can be used in the volume calculations.

Additional Stormwater Standards to be met:

- a. A land disturbance permit will be required with disturbing one acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
- b. As-builts of the detention and water quality improvements are required. Staff recommends the following as-built notes on the plans:
 - i. 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 measures.
- c. 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.

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- d. 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.
 - i. Existing gravel surfaces meeting the above definition are eligible for 50% credit.

6. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:

Street Classification, Right-Of-Way, and Jurisdiction:

City's Transportation Plan classifies S. National Avenue and E. Sunshine Street as Primary Arterial roadways and E. University Street as a Residential Local roadway. The standard right-of-way width for both S. National Avenue and E. Sunshine Street is 50-feet from the centerline. The standard right-of-way width for E. University Street is 25-feet from the centerline. It appears an additional 10-feet of right-of-way is needed along both S. National Avenue and E. Sunshine Street to meet this requirement. It appears no additional right-of-way is needed along E. University Street. A 100-feet x 100-feet right-of-way sight triangle is required at the intersection of S. National Avenue and E. Sunshine Street. A 10-feet x 10-feet right-of-way sight triangle is required at the intersection of S. National Avenue and E. University Street. 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. National Avenue, E. Sunshine Street, and E. University Street are city-maintained streets.

Traffic Counts & On-Street Parking:

The most recent traffic count for S. National Avenue is 31,910 vehicles per day and 28,940 vehicles per day for E. Sunshine Street. The most recent traffic count for E. University Street is 275 vehicles per day. On-street parking is not allowed along S. National Avenue or E. Sunshine Street. On-street parking is allowed along E. University Street.

Driveway Access:

There is currently two driveway access points onto the properties from S. National Avenue, five driveway access points onto the properties from E. Sunshine Street, and three driveway access points onto the properties from E. University Street. Current City Code requires access on National to be a minimum of 400-feet from the nearest right-of-way line of E. Sunshine Street and access on E. Sunshine Street to be a minimum of 300-feet from the nearest right-of-way line of S. National Avenue. There is not enough property frontage to meet these requirements along S. National Avenue. Access will not be allowed on S. National Avenue. Current City Code requires access on E. University Street to be a minimum of 110-feet from the nearest right-of-way line of S. National Avenue. Access to E. University Street can meet this requirement.

Sidewalk:

There is existing sidewalk along the property frontage of S. National Avenue, E. Sunshine Street, and E. University Street.

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Trails, Bus Stops, and Additional Information:

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

Improvements:

A Traffic Impact Analysis (TIA) has been completed and accepted by the City. The improvements required based on the TIA are required to be submitted on Public Improvement Plans (PIP) and the improvements constructed, or funds escrowed prior to approval of a building permit. Required improvements include a raised concrete median on National Ave. restricting access to University St to Right-in/Right-out only on the west side of National Ave. and Right-in/Right-out/Left-in only on the east side of National Ave.; a raised concrete median on Sunshine St. restricting access to the development to Right-in/Right-out/Left-in only; traffic calming measures on University St. and/or Hampton Ave; the development should be completed in a manner, or right-of-way provided, to allow future construction of the southbound National Ave. to westbound Sunshine St. turn lane; and any change in use that creates an increase in total trip generation, as determined by the Director of Public Works, as presented in the final accepted TIA of more than 500 trips daily and/or 50 trips in the peak hour will require a modified TIA. The requirements of said study shall be incorporated in the site plan, PIP, or other permits as applicable.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	S. National Avenue	Primary Arterial	No	40	50
Street 2	E. Sunshine Street	Primary Arterial	No	40	50
Street 3	E. University Street	Residential – Local	Yes	25	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		10	12	120	
*Proposed Trips Generated		40	75	769	
Additional Trips Generated		30	63	649	

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

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STAFF ANALYSIS AND RECOMMENDATION:

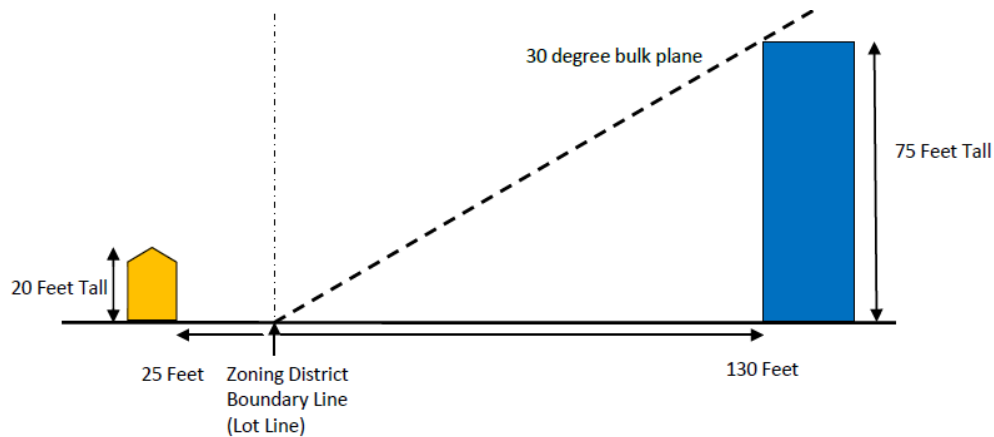
1. This rezoning application was submitted prior to the adoption of the Forward SGF Comprehensive Plan, therefore the previously adopted Vision 20/20 Comprehensive Plan and the elements of that plan will be used to evaluate this rezoning request.
2. The *Growth Management and Land Use Plan* designate this area as appropriate for Low Density Housing uses. The Vision 20/20 Plan identifies the area south of Sunshine Street/National Avenue intersection as a planned/potential Community Scale Activity Center, which is slated for locations of significant business and high-density housing development, however, the northwest quadrant (subject site) is not identified on the map as within the Activity Center.
3. It is intended that additional development be concentrated in and around the Activity Centers to optimize transportation investments, citizen convenience, investor confidence, and a compact growth pattern. Land in each Activity Center would be intensively and efficiently used. Objective 9 of the Plan notes that plans, regulations, and public investments should promote additional new employment, intensified retail business, higher density housing and convenient transit service, noting that the elements of an Activity Center will vary from one another, but each should include at a minimum, retail and office buildings and ideally multifamily housing, restaurants, and community facilities. Surrounding properties in and around the same intersection have been developed with medical office and retail land uses and have formed the foundation for long-term growth and a change in the land use pattern to the north, south and east. The areas around the hospital campus have created a non-residential/mixed-use development pattern along Sunshine Street. Development at the northeast corner is a mix of retail and office space and at the southwest corner, medical office. Despite the redevelopment within the three quadrants surrounding the intersection within the Activity Center, the subject properties have remained developed as medium density single family residential. It's unknown if that is as a result of the map designating the subject site outside of the Activity Center or for some other reason.

The *Growth Management and Land Use Plan* identifies Sunshine Street, Campbell and National Avenues as Transitional Roadway Corridors. Over time, nonresidential development patterns in this area have created a transportation and land use relationship that have shifted from one in which there was low roadway traffic volume and low access demand to one of high volume and higher access demand. The Plan suggests that housing quality may deteriorate in such locations because few people want to make a long-term ownership commitment in an environment degraded by high auto traffic volumes however the plan also suggests that it is possible to sustain single family housing along a busy arterial road depending on several factors inherent in the neighborhood such as convenience to jobs, shopping, and community amenities. The neighborhood adjacent to the subject site appears to be viable and intact. Little to no degradation of quality is apparent and the development pattern along Sunshine Street and National Avenue west of the intersection has not been punctuated by non-residential land uses over time, unlike that which has occurred east of National Avenue, along Sunshine Street, where the corridor has changed from residential to non-residential.

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4. The applicant is proposing to rezone to the GR, General Retail District, to allow a mixed-use office, retail, and residential development and had originally indicated they would construct buildings approximately five-stories tall within limits of a Conditional Overlay District (COD). The conditional overlay district is a floating zone that allows the applicant to voluntarily limit uses to be established in accordance with specific standards and conditions. The applicant has chosen to restrict the ability to establish certain commercial land uses that could be considered more noxious than other land uses allowable in the district. Under the GR zoning classification, a mixed-use development as proposed is allowed and is encouraged by the Land Use Plan; however, due to the proposed GR zoning, it is not required to be developed as a mixed-use project per code. Any office or commercial uses allowed in the GR district could be developed independently unless otherwise prohibited in the Conditional Overlay District; therefore, there is no guarantee that the development will be mixed-use.
5. The proposed Conditional Overlay District requirements prohibit many objectionable uses that could be incompatible with the neighborhood and will limit traffic volumes; however, the *Growth Management and Land Use Plan* of the *Comprehensive Plan* states it is important to ensure that new land uses are not detrimental to residential areas and to recognize the vulnerability of residential areas to certain adverse impacts. This objective does not mean that non-residential land uses are automatically inappropriate in residential areas; it means that design and location criteria must consider the existing residential areas. The applicant has prohibited eating and drinking establishments with drive-in, pick-up window or drive-thru facilities which can be a high-volume traffic generator. Other potentially objectionable uses such as retail sales of adult novelties, standalone vape shops, stores that primarily sell package liquor are also prohibited amongst others as listed in the COD (Attachment 1). Staff is of the opinion that compatibility with neighboring residential land uses is enhanced through the elimination of these land uses, however, merely eliminating potentially noncompatible land uses does not ensure compatibility absent specific design and location criteria as it relates to any structures built on the site, site layout and buffering.
6. The *Plan* states that new development and the mix of land uses should be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space.
7. With the applicant's proposal for a mixed-use building, the applicant must meet the bulk plane requirements for the proposed GR zoning district. The bulk plane is a theoretical plane beginning at a district boundary (in this case) and rising over a slope determined by an acute angle measured up from the horizontal. The bulk plane defines the relationship of the height of a structure and the structure's setback from the district boundary. The Zoning Ordinance requires a **30-degree bulk plane** for the height of structures in a GR District measured from the R-SF District boundary line. **This means that for every one (1) foot of structure height, the building must be set back 1.73 feet from the district boundary line (example below).** This requirement would limit the height of the structure from the R-SF district boundaries to the north (across University Street), northwest (adjacent private property), east (across National Avenue), south (across Sunshine Street) and west (adjacent private property).

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8. The applicant is using the COD to further limit the structure height to a maximum of 75 feet from the average ground level at the base of the structure. Height limit is defined in the Zoning Ordinance as the vertical distance measured from the average ground level at the base of a structure above which no part of any structure shall extend. This would mean that no part of the structure could exceed the bulk plane. This is not the case with the standard definition of height which is measured from the average established grade at the street lot line or from the average natural ground level, if higher, or if no street grade has been established to the highest point of the roof's surface if a flat roof surface, to the deck line of mansard roofs; and to the mean height level between eaves and ridge for hip or gable roofs. There would be no exceptions for structures such as telecommunication towers, cupolas, spires, elevator bulk heads, tanks, HVAC or parapet walls which are normally allowed with the standard definition of height. This height limitation of 75 feet would not start limiting the structure until 130 feet from any R-SF district boundary into the site if the site was completely flat. The site increases approximately 10 feet in grade from University Street to Sunshine Street (from northeast to southwest) with the highest points at the southwest portion of the property along Sunshine Street.
9. The proposed COD is also attempting to limit the architectural style of the proposed development. Each of the styles proposed (Bisman, French Country and English Tudor) are common to the University Heights neighborhood; however, the proposed language will make the interpretation of the proposed styles very subjective and there isn't enough detail to truly limit the development like one could in a Planned Development with approved elevations, site plans and renderings. The standards in the COD pertaining to architectural style are written in such a manner as to give a significant amount of discretion to the developer, therefore there is no guarantee that the building design, placement, or proposed land uses will be established as previously shown by the developer, at community meetings and to staff.
10. The applicant has added design requirements to the COD that are based on the existing code requirements "Revised Multi-Family Location and Design Guidelines" that will be applied to any development of the site. The site will have requirements for pedestrian amenities, orientation of buildings to the street, avoiding blank walls on buildings along all street frontages, blending the building scale and setback with existing developments, street facing walls must be articulated and providing additional bicycle parking that will encourage

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pedestrian activity. The applicant will be required to provide pedestrian and bicycle connections to adjoining public sidewalks that will provide a good circulation system. The site will be designed to respect the natural environment by incorporating functional amenities in the open space, requiring additional trees with larger caliper to replace existing trees that are removed and requiring tree protection for trees being preserved onsite.

11. The building facades shall be designed to have a similar level of quality and architectural finish on all sides of the buildings visible to the public. Three or more design elements will be incorporated for each 50 horizontal feet of a building façade (i.e., changes in color, texture or material; projections, recesses and reveals; groupings of windows or fenestration).
12. The COD limits building materials and colors to those that will have low reflectance. High-intensity, metallic or fluorescent colors will be prohibited. Façades shall incorporate no less than 30 percent brick, stone or stucco in the design and the materials are consistent with the materials used in the adjacent residential neighborhood. No building shall have more than 50 percent exterior glazing on a frontage facing Sunshine Street or National Avenue and the first floor of any building facade facing a public right-of-way shall include transparent, clear glass windows and/or doors arranged so that the uses inside are visible from and/or accessible to the street. Window and/or doors with reflective or tinted glass that impede views into a building shall be prohibited. All stories of all building facades facing a public right-of-way shall include at least 40 percent of the subject facade in windows or doors. These design elements will enhance compatibility with neighboring residential structures and are supportive of urban design that emphasizes pedestrian oriented buildings and traditional urban character as desired by the Comprehensive Plan.
13. The applicant is voluntarily proposing to install more mature landscaping than is currently required by code and has eliminated the ability to administratively reduce the proposed bufferyard widths below the code required minimum standards. The increased height and bulk of the landscape material will assist with providing an enhanced landscape buffer between the site and the surrounding residential development, thus increasing compatibility between the differing land uses.
14. The proposed Conditional Overlay District will limit the hours of operation for any businesses from 6 a.m. to 11 p.m., 7 days a week which will prevent businesses that have 24-hour or late-night operations. No business activity is allowed on the premises outside of these times. This requirement will help mitigate any potential noise or lighting issues with the nearby residential neighborhoods during these hours. The exterior lighting and signage requirements of the COD will limit the height of lighting sources to control glare and light spillover and signage will be required to be compatible with the style of the building.
15. The proposed Conditions of Approval (Attachment 2) are City staff recommended conditions that aren't incorporated in the Conditional Overlay District. These conditions include the requirements for lot combinations, additional right-of-way to meet current standards, access restrictions and site plan review.
16. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* promotes the use of Planned Development Districts for development in existing and proposed Activity Centers,

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where mixed- and multiple-use projects are promoted, and higher residential densities are desired. (Mixed-use implies housing or offices above retail or service businesses.) The Planned Development District is “wide open” in terms of what land uses it allows and how they are arranged on a site. However, because the applicant is proposing a rezoning to GR, the intensities and densities of development are not guaranteed and may only be limited based on the traffic impact analysis/study and other site restraints.

17. City Code requires access on National Avenue to be a minimum of 400-feet from the nearest right-of-way line of E. Sunshine Street and access on E. Sunshine Street to be a minimum of 300-feet from the nearest right-of-way line of S. National Avenue. There is not enough property frontage to meet these requirements along S. National Avenue, therefore access will not be allowed on S. National Avenue. Currently, City Code requires the proposed access from E. University Street to be a minimum of 110-feet from the nearest right-of-way line of S. National Avenue. Access to E. University Street can meet this requirement. A Traffic Impact Study has been conducted and right-of-way and traffic improvements will be required to ensure the development is consistent with access management design standards and City code.
18. The General Retail District is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. Commercial uses permitted in this district are generally required to conduct business activities indoors. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets. Areas zoned GR are intended to be at least five acres in size unless the zoning is based on an adopted plan or comprehensive zoning scheme.
19. Non-residential uses exist at all other corners of this major intersection. There is an existing retail shopping center at the northeast corner, the Mercy hospital campus at the southeast, and a new Cox hospital clinic at the southwest corner. Development for non-residential land uses at major intersections is contemplated and encouraged by the Comprehensive Plan.
20. The development of the property will require a bufferyard along the west and north property lines immediately adjacent to the R-SF, Single-Family Residential zoning district. The normal bufferyard required between GR and R-SF would be a bufferyard "Type F" at least twenty (20) feet wide. For each one hundred (100) linear feet of bufferyard, there must be three (3) canopy trees, three (3) understory trees, four (4) evergreen tree and twenty (20) shrubs. A six-foot-tall solid wood fence is also required as part of this bufferyard. A bufferyard type S2 is required along the north side of the property that is across from University Street. This bufferyard is a minimum of 15 feet in depth with plantings. A structure (i.e. fence, wall, berm or hedge row) is not required as part of this bufferyard S2.
21. The supplemental and open space requirements (Section 36-453) require a 25-foot setback within 100 feet of the residential district so this would apply to property to the west along Sunshine Street. This section also requires a setback of not less than $\frac{1}{2}$ of the existing or required minimum front yard setback which would make the side yard setbacks along Sunshine Street $12 \frac{1}{2}$ feet wide. This would not include the new right-of-way that would need to be dedicated to the city.

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22. A Traffic Impact Analysis (TIA) has been completed and accepted by the City (Attachment 4). The improvements required based on the TIA are required to be submitted on Public Improvement Plans (PIP) and the improvements constructed, or funds escrowed prior to approval of a building permit. Required improvements include a raised concrete median on National Avenue restricting access to University Street to Right-in/Right-out only on the west side of National Avenue and Right-in/Right-out/Left-in only on the east side of National Avenue.; a raised concrete median on Sunshine Street restricting access to the development to Right-in/Right-out/Left-in only; traffic calming measures on University Street and/or Hampton Avenue; the development should be completed in a manner, or right-of-way provided, to allow future construction of the southbound National Avenue to westbound Sunshine Street turn lane; and any change in use that creates an increase in total trip generation, as determined by the Director of Public Works, as presented in the final accepted TIA of more than 500 trips daily and/or 50 trips in the peak hour will require a modified TIA. The requirements of said study shall be incorporated in the site plan, PIP, or other permits as applicable.
23. Private covenants or restrictions on private property are a civil matter. The City does not consider or enforce such matters as their legal status must be determined by a court.
24. Water quality measures and detention of stormwater runoff is required. A fee in lieu of detention for this development will not be permitted. The proposed development has eight properties combining into one lot. The combined lots and future development will add approximately 1.23 acres of impervious area.
25. The proposed rezoning was reviewed by City departments and comments are contained in the staff report (above). Supplemental information to the staff report is provided in a memo (below).
26. The applicant held a neighborhood meeting on October 24, 2022, regarding the rezoning request. A summary of the meeting is attached (Attachment 3).
27. 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.

In Summary:

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* states that protection of our existing residential neighborhoods is a prime concern. It is important to ensure that new land uses are not detrimental to residential areas and to recognize the vulnerability of residential areas to certain adverse impacts. This objective does not mean that non-residential land uses are automatically inappropriate in residential areas; it means that design and location criteria must consider the existing residential areas. Mixed land uses, as well as mixed residential densities, will need to be accommodated in the future. These must be accommodated with sensitivity to existing residential neighborhoods. The plan encourages mixed use. However,

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where commercial areas are concentrated, they should be sited and designed to have a minimal effect on adjacent lower-intensity development, and the environment.

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

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

Since the previous staff report was released in December, the applicant has resubmitted a revised conditional overlay district to address staff's concerns with compatibility of the proposed development with the adjacent neighborhood. Staff had cited the Plan's section that states new development should be compatible with existing development in terms of scale, materials, rooflines, setbacks and opens space. While the proposal is not tied itself to a specific layout or design elevation, there have been advances made towards providing more parameters to enhance compatibility with the neighboring properties and development in the area.

In terms of scale, the proposed development must meet the 30-degree bulk plan requirements which will limit height of structures when located near an R-SF district. Staff has produced a draft visual depiction to show how the height of any structures to the north or west of the site would be reduced to 20-30 feet if structures were built as close as possible to the 20-foot wide bufferyard. It doesn't appear feasible to have short buildings on the western edge with off-street parking along the National and Sunshine, therefore the bulk plane will likely cause the building to be constructed along National Avenue and Sunshine Street frontages to gain the height of five stories as originally proposed, however there is nothing in the COD that limits the height to five stories. While the height of the structure is a concern of staff, the bulk plane is the standard that is applied to all commercial development that is constructed adjacent to or near R-SF or R-TH. It is the same height standard that was applied to the GR development to the east. With that being said, the applicant has also requested a structure height limit of 75 feet which will restrict the height in the areas along National Avenue and Sunshine Street where there isn't a R-SF district within 130 feet. The height of structures near the intersection of National and Sunshine could reach as high as 170 feet by the applicant's calculations. If each floor was 10 feet in height, this could perceivably allow a 7-story building in areas at least 130 feet away from an R-SF district. Staff is aware that developer provided illustrations shown at the neighborhood meetings indicated a 5-story building; however, the actual height limits could allow for a building much taller very close to the intersection of National Avenue and Sunshine Street.

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In terms of building materials, the applicant has made many significant changes to the COD. The applicant references three different types of architectural styles that they will adhere to, however that will be difficult to enforce without more specific design standards that reflect those styles. The addition of many Multi-Family Location and Design Guidelines and Planned Development related review guidelines will give staff the ability to review and require changes to any future site plan and building elevations. The review would be based on the design requirements listed in the COD such as pedestrian circulation, natural environment preservation, building façade architectural finishes, and building materials and colors. There is also a provision for site plan review by the Administrative Review Committee (ARC) who would determine if the COD's stated design requirements were met. Staff believes these recent changes have enhanced the development's ability to be compatible with the neighborhood.

City staff had also recommended language in the COD for varying roofline requirements. Those were not approved by the applicant and are not a part of this COD; however, the bulk plane will play a significant factor in reducing the height as any buildings get closer to the north or west. The bulk plane requirement will force the buildings to be constructed in a step-down approach to the neighboring residential developments, which will enhance compatibility in terms of building scale.

In terms of setbacks, the applicant has proposed full bufferyards to the north (Bufferyard S2, 15 foot wide) and west (Bufferyard F, 20 foot wide) adjacent to or across the street from the R-SF. The standard building setbacks along National Avenue will be 25 feet from the front property line after any additional right-of-way is dedicated and 12 ½ feet along Sunshine Street except for the far west side which requires a 25-foot building setback when within 100 feet of the R-SF district. Those are all standard setbacks including the bulk plane which yet again, plays a factor in actual building setbacks especially to the north and west.

In terms of open space, the applicant has added some of the Multi-Family Location and Design Guidelines for landscaping and open space which provides additional landscaping in areas that weren't required to have any before. The GR District requires at least 20 percent open space and while part of that will be bufferyards and stormwater infrastructure, the rest will need to meet the requirements for trees and shrubs in those open space areas. Perimeter landscaping standards will apply to the exterior portions of the site when there isn't a building between the off-street parking areas and property boundaries. Interior landscaping of 5 percent will apply to the off-street parking areas internal to the development. There will also be screening requirements for off-street parking and equipment. A solid wood, brick or masonry fence wall a maximum of 6 foot high must be provided as part of the open space bufferyard as well.

The Planned Development District could be effectively used in the proposed Activity Centers, where mixed- and multiple-use projects are promoted, and higher residential densities are desired. Staff strongly encouraged the applicant to rezone the property through the Planned Development process, but the applicant refused, consequently the proposed COD requirements, although extensive, leave some room for discretion and provide less assurance as to the project's site design, building height and building placement (mixed-use implies housing or offices above retail or service businesses.) The Planned Development District is "wide open" in terms of what land uses it allows and how they are arranged, and the Planned Development District rezoning process allows an in-depth evaluation of the design, layout, building placement, landscaping, buffering, and building placement for purposes of determining

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compatibility with adjacent properties are set forth in the Comprehensive Plan. The Planned Development process, as recommended by the Plan provides for the ability to modify land uses, set defined development, and design standards, but also requires a site plan review process to examine the layout and design features, in detail, with dimensions and quantified design standards so that an actual, accurate assessment can be made and details of design as it relates to compatibility can be assessed.

Although the location of the subject site is not within the mapped boundaries of an Activity Center, the land use designation is residential and although staff is of the opinion that the mix of land uses as proposed by the applicant meets certain objectives of the Plan or parts thereof, where it is intended that additional development be concentrated in and around the Activity Centers so as to optimize transportation investments, citizen convenience, a compact growth pattern and where land in each Activity Center would be intensively and efficiently used. The range of proposed uses are compatible with the uses permitted on other property in the immediate vicinity. Adequate utilities exist and the impact of the uses on the volume of vehicular and pedestrian traffic and traffic safety are or have been mitigated via use limitations in the COD and traffic related conditions of approval recommended by staff.

While the applicant did not commit to design details to the extent staff would prefer, staff has determined that enough parameters have been set to provide compatibility between the subject property and neighboring properties to the degree that satisfies the Comprehensive Plan.

STAFF RECOMMENDATION:

1. Staff finds the proposed rezoning request to be consistent with the Comprehensive Plan and the findings set forth in Section 36-367 of the Zoning Regulations and recommends approval of the requested rezoning to General Retail (GR) COD No. 220 subject to the staff conditions of approval as set forth in Attachment 2.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification.
2. Recommend a change in the zoning district classification.
3. Recommend a change in the zoning district classification together with recommendations which, in the judgment of the planning and zoning commission, will protect adjacent property and ensure that the proposed amendment is consistent with the purpose and intent of this article.

**PLANNING AND DEVELOPMENT DEPARTMENT
MEMORANDUM**

DATE: April 6, 2023

TO: Planning and Zoning Commission

FROM: Susan Istenes, Director of Planning and Development Department

SUBJECT: Z-27-2022 COD 220 – Supplemental Information to the Staff Report

We received some internal feedback about some content of the staff report that may require some clarity, therefore we are providing the following information and hope you find it useful:

Page 8, last paragraph

Starts with... “The impact to University Street....”

The analysis might be confusing and is somewhat light leaving the reader with the impression traffic was a secondary consideration by staff, however that is not the case.

1. The Traffic Impact Study was provided and is considered part of the report – which is why detailed written analysis wasn’t provided in this paragraph.
2. Brett Foster and the author of the Traffic Study, Dane Seiler, will give a separate staff presentation on traffic and explain the report, its findings, limitations and requirements in more detail.
3. It’s important to note that the requirements listed under staff conditions address the required traffic improvements and changes in use which may create an increase in total trip generation that could cause the traffic analysis to have to be reexamined, therefore it is important that these conditions be approved to ensure traffic requirements are met.
4. The traffic discussed in that paragraph is referring the local streets primarily within the neighborhood to the east.

Page 7 last paragraph

Starts with.... “With the applicant’s proposal for a mixed- use building....”

This paragraph seems to imply that the bulk plane is only applicable when the building is a mixed use building and therefore it may be confusing. The applicant is requesting a rezone to General Retail (GR) and per the GR District, there is no height limit; the bulk plane determines the height and requires that all structures shall remain below a 30 degree bulk plane as measured from the boundary of any R-SF or R-TH district (regardless of the composition of the uses in the building). Application of the bulk plane creates a building envelope where the actual height is dependent upon the distance away from the R-SF and R-TH established boundaries and it is also influenced by the elevation of the land. In this case the applicant has requested a 75 foot height limit; staff has attempted to determine if 75 feet is even feasible using bulk plane and if so, whether the floors are able to be built out and functional.

Page 16 Paragraph 9

The applicant is attempting to use the straight zoning (not a Planned Development) with a Conditional Overlay (COD) as a hybrid to the Planned Development (PD) process. Although recommended several times to the developer that the PD process is what's preferred, they opted to use the rezone/COD process and that process is allowable under current code.

There are some weaknesses associated with the COD process that are problematic:

1. No specific site plan is required and approved as part of the ordinance, therefore no specific site layout via a site plan is guaranteed; no building elevations (design) can be approved with certainty, and no staff review of the site plan in advance of the rezoning occurs, resulting in a lack of specificity of design. Therefore, one can only rely upon the provisions of the COD and staff recommended conditions to "imagine" what the design of the site will look like. Staff has attempted to mitigate the weaknesses of the COD process by working with the developer to commit to specific design criteria, however, under the provisions of the code, COD requirements have to be "volunteered" by the applicant. In addition to the COD requirements agreed to by the developer, staff has provided a set of staff recommended conditions which require that a site plan be provided to the Administrative Review Committee (ARC) to review the plan to ensure it is compliant with the conditions of the COD and to ensure compatible design, prior to the issuance of building permits, as alternative measure to overcome the weakness of utilizing the COD process vs the PD rezone process. As noted above, should the Planning and Zoning Commission choose to recommend approval of the project, it is important that the staff conditions be approved as a condition of that recommendation, otherwise staff will lose that authority to review site plan and implement traffic requirements per the recommendations of the traffic study and the public works staff.

Regarding the topic of Building Height: At this time, the applicant is proposing a maximum height of 75 feet. Early on when the project was first brought forward, the applicant had suggested a 5-story structure under a mixed residential/commercial scenario and to staff's knowledge the project is still being proposed as mixed use (residential over retail) but now at a requested height of 75 feet. The applicant has not indicated any change from that 75-foot height for the past 4 months, but for a recent quote through local media where the developer indicated that the building height would likely be two to three stories. Through that source, staff was just made aware that the developer may be considering a lower structure.

Staff's approach to analyzing the requested height weighs concerns about compatibility with neighboring properties but also considers that the Comprehensive Plan and sound Urban Planning Principals, promote good design and higher residential density in locations around public resources – in locations where there are adequate transportation facilities, employment centers, walkability, existing urban neighborhoods, quality urban design and reliance upon the bulk plane regulations. The Bulk Plane regulations should result in building step backs which increase the separation distance between the project building(s) and single family residential as it steps up in height. The staff presentation will indicate where the likely occurrence of the tallest building could occur on site so the Commission can have some idea of where that may be in relationship to surrounding properties.

Planning and Zoning Commission may or may not agree with staff's assertion that 75 feet is acceptable and we certainly respect that and expect that there will be concern over height, however, without at least some height, the likelihood of a mixed-use project with appreciable residential densities may not be realized, consequently staff had to weigh those considerations and opted to not reject the project due to height.

Staff will be ready to answer questions tonight. Please let us know if you have questions or concerns.

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ATTACHMENT 1 Conditional Overlay District No. 220 Provisions

The requirements of General Retail District Section 36-421. of the Springfield Municipal Code Ordinances shall be modified herein for the development proposed in the district to be rezoned:

A. Uses Permitted

Section 36-421(2), permitted uses, shall be amended to prohibit the following permitted uses:

1. Commercial amusement, including bowling alleys, dance halls, video game arcades, billiard parlors, roller skating and ice-skating arenas, motion picture theatres, and drive-in theatres;
2. Commercial off-street parking lots and structures;
3. Comprehensive marijuana-infused products manufacturing type-2 post extraction facility;
4. Convenience stores with gas pumps;
5. Eating and drinking establishments with drive-ins, pickup windows, or drive-thru facilities;
6. Flea Markets entirely within closed buildings;
7. Funeral homes and mortuaries;
8. Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with section 36-480, screening and fencing;
9. Massage parlors or any adult motion picture theatre, adult store, or cabaret, as defined in section 36-321, definitions;
10. Medical Marijuana-infused products manufacturing type-2 post-extraction facility;
11. Payday loans or payday lending services or other activities related to credit intermediation;
12. Photo processing with drive-through facilities;
13. Police and fire stations;
14. Private clubs and lodges;
15. Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges;
16. Public service and public utility uses;
17. Satellite rental car offices limited to administrative functions related to the rental car business, drop off and pick up of rental cars, and on-site parking for not more than fifteen (15) rental cars and vans;
18. Seasonal outdoor sales and related storage as permitted by section 36-452, temporary uses;
19. Self-service laundromats;
20. Recording studios;
21. Retail sales relating to adult bookstores, adult novelty shops, or any adult motion picture theatre, adult store, or cabaret as defined in section 36-321, definitions;
22. Retail stores where more than sixty percent (60%) of gross revenue is derived from package liquor sales;
23. Taverns, nightclubs or bars;
24. Taxidermists;
25. Television and radio stations;
26. Tier I, III, IV, and V wireless facilities;
27. Towers other than wireless facilities, less than 100 feet in height and related facilities provided telecommunication towers comply with section 36-466, telecommunication tower;.
28. Vape shops (standalone);

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29. Water reservoirs, water stand pipes, and elevated and ground water storage tanks.

B. Conditional Uses

Section 36-421(3), conditional uses, shall be amended to prohibit the following uses:

1. Automobile service garages;
2. Automobile service stations;
3. Tier V wireless facilities in accordance with section 36-466, telecommunication towers;
4. Towers other than wireless facilities exceeding 100 feet in height, and related facilities.

C. Use Limitations

Section 36-421 of the Springfield Municipal Code of Ordinances shall further be modified for development in the proposed district to be rezoned to require the following:

1. Businesses operating within the proposed rezoning district shall be limited to business hours of 6:00 a.m. to 11:00 p.m. daily. No business activity is allowed on the premises outside of these times.

D. Bulk, Area, and Height Requirements

Development in the proposed rezoning district shall adhere to the following standards:

1. Structure Height Limit: Structures shall not exceed 75 feet from the average ground level at the base of the structure; and
2. All structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.

E. Design Requirements

Section 36-421 of the Springfield Municipal Code of Ordinances shall further be modified for development in the proposed rezoning district to include the following design requirements:

1. Building development in the proposed rezoning district shall be limited to one of the following architectural styles¹:
 - a. Bismarck. This style is a reference to a typology of single-family homes developed near the site by a builder carrying the same name. This style is typified by a strong sensitivity to scale and a mixture of textures and colors with heavy use of stone and brick;
 - b. French Country. This style is referenced throughout the neighboring community and is typified by roof forms and materials that date to a historical and locational reference of rural France. This building type uses but is not limited to plaster, stone, and local materials; or

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- c. English Tudor style. This style is referenced throughout the neighboring community and is typified by roof forms and materials that date to a historical and locational reference of rural England. This building type uses but is not limited to plaster, stone, and local materials.

¹ Styles are based on existing references within the context of the adjacent neighboring community and are intended to create harmony between this site and the neighboring community.

- 2. The site shall be designed to encourage pedestrian activity and shall:
 - a. Provide pedestrian amenities such as pedestrian scale lighting and street furniture to enhance the pedestrian environment. There shall be one (1) park/street bench provided within each multi-family development, thereafter, one (1) park/street bench for every 50 dwelling units;
 - b. Orient buildings to the street or public/common open space and provide pedestrian access to the street;
 - c. Avoid blank walls along all street frontage and pedestrian circulation areas;
 - d. Blend the building scale and set back with existing developments along National and Sunshine that are consistent with these guidelines. Street facing walls that are greater than 50' in length must be articulated at least each 25 feet with bays, projections, or recesses. Articulation means a difference in vertical planes of the building of at least 18 inches or more; and
 - e. Provide bicycle parking equal to five percent of required vehicle parking spaces or ten spaces, whichever is less.
- 3. The site shall be designed to provide a good circulation system and shall:
 - a. Provide pedestrian and bicycle connections to adjoining public sidewalks; and
 - b. Provide connectivity by including direct vehicular, pedestrian and bicycle connections between abutting or adjacent developments.
- 4. The site shall be designed to respect the natural environment and shall:
 - a. Incorporate functional amenities in the open space and recreational areas such as outdoor seating areas;
 - b. A tree six inches or greater in diameter measured 4 1/2 feet above ground must be preserved or replaced with a tree of at least two inches (2") in diameter—for a maximum total of 7 trees per acre. Trees meeting the landscape requirements in the zoning ordinance may be counted toward this requirement. A tree survey site plan must be submitted in order to assess this requirement; and;

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- c. Provide tree protection for trees being preserved onsite.

5. The building facades shall be designed with the following requirements:

- a. All sides of buildings visible to the public, whether viewed from the public right-of-way or a nearby property, shall display a similar level of quality and architectural finish. This shall be accomplished by integrating architectural variations and treatments such as windows and other decorative features into all sides of a building design. Three or more of the following design elements shall be incorporated for each fifty (50) horizontal feet of a building façade or wall:
 - (1) Changes in color, texture, or material;
 - (2) Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or
 - (3) Groupings of windows or fenestration.
- b. Building materials and colors.
 - (1) Facade colors shall have low reflectance. High-intensity, metallic, or fluorescent colors are prohibited.
 - (2) Façade shall incorporate no less than 30% brick, stone, or stucco into the design.
 - (3) No building(s) shall have more than fifty percent (50%) exterior glazing on any frontage facing Sunshine Street or National Avenue.
 - (4) The ground level of nonresidential or mixed-use buildings must offer pedestrian interest along sidewalks and pedestrian paths through the placement of window and doors. Therefore, the first floor of any building façade facing a public right-of-way shall include transparent, clear glass windows and/or doors arranged so that the uses inside are visible from and/or accessible to the street. Window and/or doors with reflective or tinted glass that impede views into a building shall be prohibited. All stories of all building facades facing a public right-of-way shall include at least 40 percent of the subject facade in windows or doors.
- c. Service and Loading Areas. Off-street loading shall be regulated in accordance with Sections 36-456 and 36-483 of the Springfield Municipal Code of Ordinances. The following requirements are supplementary.
 - (1) All service and loading areas shall be in the side or rear yard of buildings.
 - (2) Service and loading areas shall be designed so that the entire service and loading operations are conducted on the building site. The visibility of service and loading from public streets shall be minimized.

F. Open Space, Landscaping & Screening

The landscaping and screening provisions are intended to improve the physical appearance of the District, to improve the environmental performance by contributing to the abatement of heat, glare and noise, and by promoting natural percolation of storm water and improvement of air

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quality; to buffer potentially incompatible land uses from one another; and to conserve the value of adjoining property and neighborhoods.

1. The bufferyard requirements for the proposed zoning district shall be amended so that:
 - a. The use of the narrow or shallow lot exemption provisions of Section 36- 482(16) for the required bufferyards of the proposed rezoning district shall not be allowed;
 - b. Evergreen trees planted as part of the buffer yard type-F requirement with a minimum height of six (6) feet at the time of planting shall be required;
 - c. Required bufferyards on a lot or tract shall be installed when the lot or tract is developed;
 - d. Required bufferyards in common areas shall be installed when any development occurs in the proposed rezoning district unless the installation is specifically delayed by the requirements;
 - e. Bufferyards shall be landscaped in conformance with the open space landscaping requirements in Subsection 2 of this Section F.
2. The open space landscaping requirements for the proposed rezoning district shall be amended so that:
 - a. In all open space areas required by this District the following landscaping shall be planted and maintained for each five-hundred (500) square feet of such open space area. Existing trees approved for preservation shall be counted toward satisfaction of this provision:
 - (1) One (1) canopy tree or (2) understory, ornamental or evergreen trees; and
 - (2) Three (3) shrubs.
 - b. Tree species, sizes and spacing shall be approved consistent with the City of Springfield's Arboricultural Design Guidelines on file with the Planning and Development Director;
 - c. Preservation of each healthy existing tree of an approved species that is at least four and one-half (4-1/2) inches caliper shall count as two (2) trees toward fulfillment of the tree requirements of this District; and
 - d. 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 article.
3. An opaque barrier six (6) feet in height shall be provided which visually screens a potentially offensive feature from less-intensive uses or districts. The opaque barrier shall be a solid wood, brick, and/or masonry fence wall a maximum of six (6) feet in height or 6-foot solid evergreen hedge.
4. Screening shall be provided adjacent to the R-SF district boundary when abutting a single-family residence.
5. Screening shall not adversely affect surface water drainage.

G. Exterior Lighting

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The requirements and standards of Section 36-484 of the Springfield Municipal Code of Ordinances, in effect at the time of development shall apply; and

Exterior building lighting, parking lot and site lighting will be designed to provide optimal lighting levels for vehicular and pedestrian safety in accordance with the requirements of section 36-484 of the Springfield MO zoning regulations. Building and pole mounted lighting shall utilize full-cut off light fixtures to control glare and light spillover on to adjacent properties. Lighting sources or luminaries that do have a cutoff shall not exceed a maximum 30 feet in height. Parking lot lighting and pedestrian lighting should be appropriate to create adequate visibility at night and evenly distributed to increase security. All lighting should be glare-free and shielded from the sky and adjacent residential properties and structures, either through exterior shields or through optics within the fixture.

H. Signs

The requirements and standards of Section 36-454 of the Springfield Municipal Code of Ordinances, in effect at the time of development shall apply. Signs located on any building façade are required to be compatible with the style of the building in terms of location, scale, color, and lettering.

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ATTACHMENT 2 CONDITIONS OF STAFF APPROVAL

1. A lot combination of all subject properties shall be completed in accordance with the applicable Subdivision Regulations.
2. An internal pedestrian system connecting the front doors of each building with one another, and the sidewalks located along Sunshine Street and National Avenue shall be constructed as part of the development.
3. The existing driveway approaches on National Avenue and Sunshine Street in the proposed rezoning district shall be reduced so that there is no driveway or approach on National Avenue and no more than one driveway or approach on Sunshine Street for ingress/egress to the subject properties.
4. All of the following proposed improvements based on the final accepted traffic impact analysis (TIA) as determined by the Director of Public Works are required to be submitted and approved as Public Improvement Plans (PIP) that must be constructed by the developer, or if allowed by the Director of Public Works, improvements shall be escrowed prior to issuance of any building permits.
 - a. Access P1 (Sunshine Street): Shall construct a raised concrete median on Sunshine Street to restrict access to Right-in/Right-out/Left-in only.
 - b. Access P2 (University Street): Full access driveway.
 - c. University Street at National Avenue: Shall construct a raised concrete median on National Avenue to restricted access to Right-in/Right-out only on the west side of National Avenue and Right-in/Right-out/Left-in only on the east side of National Avenue
 - d. University Street and/or Hampton Avenue: Shall install traffic calming measures, as approved by the City Traffic Engineer, and included in the PIP.
 - e. The development should be completed in a manner, or right-of-way provided, to allow future construction of the southbound National Avenue to westbound Sunshine Street turn lane.
5. Any change in use that creates an increase in total trip generation as determined by the Director of Public Works as presented in the final accepted TIA of more than 500 trips daily and/or 50 trips in the peak hour will require a modified TIA. The requirements of said study shall be incorporated by the developer in the site plan, PIP, or other permits as applicable.
6. A final site plan, showing conformance with the requirements of this COD, shall be submitted to the Planning and Development Department for review and approval by the Administrative Review Committee prior to the issuance of permits for the construction of permanent improvements within the proposed rezoning district.

Attachment 3

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

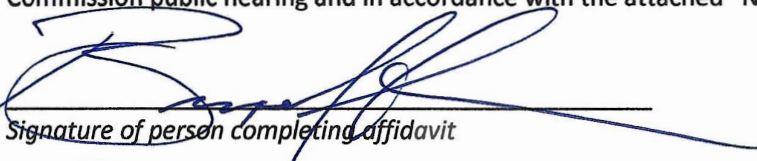
1. Request change to zoning from: SF to GR with COD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 10/24/22 4:00 - 6:30
3. Meeting Location: 1755 S. National Ave.
4. Number of invitations that were sent: 157
5. How the mailing list was generated: City Staff Generated List
6. Number of neighbors in attendance (attach a sign-in sheet): 81
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 documents

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

See attached documents

I, Bryan D. Fisher (print name), attest that the neighborhood meeting was held on 10/24/22 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."


Signature of person completing affidavit

Bryan Fisher
Printed name of person completing affidavit

Application for Amendment to Zoning Map
PLN 2022-00272
Neighborhood Meeting Notes
10/24/22

Comment	Developer Response
Developer didn't spend enough time analyzing the community	This is inaccurate. Substantial time and resources have been spent analyzing the proposed area for rezoning, the neighborhood, and surrounding area.
Concerned about disregard for community	This is inaccurate. The developers are primarily Springfield, MO natives who grew up in the community and are intimately familiar with it.
There are seven vacant storefronts in the development across the street; will this development be successful	Applicant will not comment on another businesses venture or model. Substantial time and resources have been spent analyzing the proposed project, and the developer is confident about the end success of the project
Concerned about traffic	The traffic study submitted by applicant demonstrates that the proposed project will not significantly increase traffic in the area and the adjacent area.
Concerned about water runoff	The City building process will ensure that runoff water is adequately addressed
Concerned about home values	There is no evidence that the development on the three other corners at this intersection have negatively impacted neighboring home values. It is more likely that the project will improve home values by increasing walkability to amenities for the adjacent neighborhoods.
How will there be enough parking	Applicant's initial drawings already show that the anticipated project will have adequate parking to comply with relevant code provisions.
The neighborhood will fall apart piece by piece	There is no evidence that this will happen. It has not happened to the neighborhoods adjacent to the three other corners at this intersection, nor has it in other areas of the City.
Why isn't there a site plan	A site plan is not a part of rezoning application. Developer has released renderings and proposed site plans.
Was the intersection observed and traffic counted	Yes, a traffic study was completed.

What if people throw trash out of their cars	This is an existing issue. As the traffic study shows, the proposed project will not significantly increase traffic in the adjacent neighborhoods, so to the extent this is an issue, it will not be exacerbated by the proposed rezoning.
The property belongs to University Heights	The property is not owned by University Heights and does not belong to it.
They are going build a Pancake Pantry	No tenants have been leased any part of the property.
The rezoning doesn't comply with SGF Forward/the Comprehensive Plan	This is inaccurate. Both plans anticipate areas like the property at issue being transitional. General Retail is the only zoning classification where mixed used development is permitted so that there can be a mix of residential and commercial development.
Sunshine Street will be a parking lot with no trees.	This is untrue and hyperbolic.
Rezoning is not a good fit for the area	This is inaccurate. None of the other three corners are single family residential and, with a traffic count exceeding 60k cars a day, there is no reasonable expectation that the property can remain single family.
North Grant needs "tender love and care"	North Grant is not a part of this application.
City needs to think about the future	Agreed. The future of this corner, like the other three corners, is not single family residential.
We are opposed to any redevelopment that is commercial	Single family residential is not the highest, best, or most appropriate use of the property at issue.
They could put in a Kum & Go	The proposed COD prohibits convenience stores with gas pumps.
Owner occupancy is low in Springfield and this is tearing down single family homes.	The vast majority of the homes located in the property at issue are/were rentals.
What jobs will this create?	There will be construction jobs, jobs in the stores that become tenants, jobs related to the management of the apartments/lofts, etc.
We don't want ugly architecture	Applicant has no intention of using ugly architecture.
We said not to tear down the house, and they did it	The applicant owns the property. The neighborhood does not and cannot dictate whether a structure is torn down. Moreover, the house was not habitable, dilapidated, and was broken into multiple times.

We need to do everything we can to make things as miserable as possible for the developer	No response.
Would be nice to have gardens and trees	Applicant has already committed to expanded buffer yards with trees.
Concerned about asbestos and lead removal	These issues are addressed as a part of the demolition permitting process.
University Heights is a walkable neighborhood	The proposed rezoning will increase the walkability to amenities for the adjacent neighborhoods.
Is this going to improve our neighborhood.	Yes. See responses above.
Why can't we do several bed and breakfast	That would require rezoning. Also, residents vehemently opposed this several years ago, which is, in part, why the home on the corner continued to deteriorate and remained vacant for years.
We like Cherry and Pickwick	Development like Cherry and Pickwick requires rezoning. Additionally, that area is comprised of apartments, homes, restaurants, breweries, and retail.
We only want single family, nothing else.	Single family residential is not the highest, best, or most appropriate use of the property at issue.

NEIGHBORHOOD MEETING

Application for Zoning Map Amendment
Submitted by BK&M LLC

October 24, 2022

	Name	Street Address	Signature	Wish to speak?
1	Judy Stanfill	926 E. University	Judy Stanfill	✓
2	Linda Simkins	1221 E Stanford	Linda Simkins	XNO
3	MAREN EAGLES	2425 E. STANFORD	Maren Eagles	no
4	ANNA SQUIRES	1056 E UNIVERSITY	Anna Squires	—
5	Kitty Sedbetter	630 E. Stanford	Kitty Sedbetter	no
6	Alan Munde	630 E Stanford	Alan Munde	no
7	Jeanette Rouse	1125 E University St	Jeanette Rouse	—
8	DARROW HEMANN	1039 E UNIVERSITY ST	Darrow Hemann	—
8	Mark Fitcher	1011 E. University	Mark Fitcher	—
9	MIKE O'BRIEN	1031 E. UNIVERSITY	Mike O'Brien	NO
10	Steve Pkii	1962 S. Eureka Terrace	Steve Pkii	NO
11	Cyn Yarbrough	1526 S. National	C Yarbrough	No
12	Sara Garrett	1141 E Stanford St	Sara Garrett	No
13	Dixie Sleight	1124 E. University	Dixie Sleight	No
14	Kevin Ray Evans	953 E. LINWOOD DR.	Kevin Ray Evans	No
15	Kristin Parker	1509 S. Rogers	Kristin Parker	NS
16	Mat Calihman	1533 S. Clay	Mat Calihman	No
17	John Walstrand	1116 E Portland	John Walstrand	no
18	GEOFF HEFNER	620 E. UNIVERSITY	Geoff Hefner	NO
19	Mike Carroll	1532 S. Kimbrough	Mike Carroll	NO.
20	JAMES TACEY	1116 E STANFORD	James Tacey	NO
21	Nancy Corn	1035 E University	Nancy Corn	yes

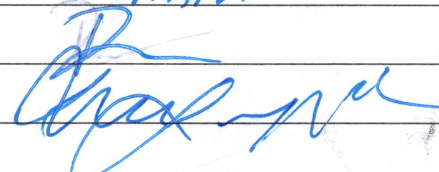
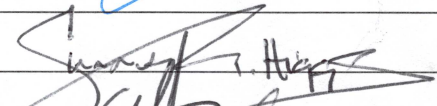
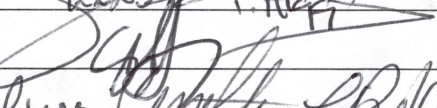
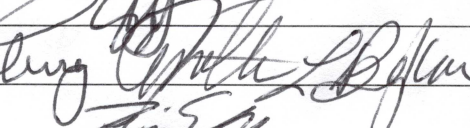
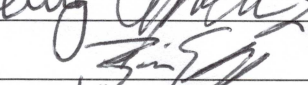
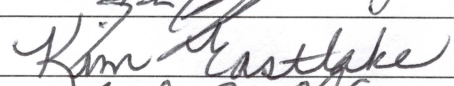
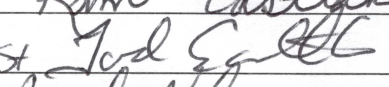
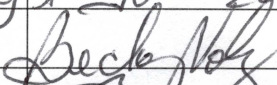
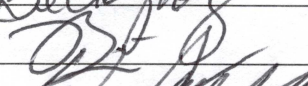
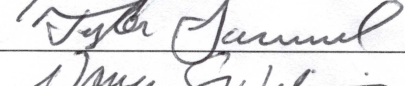
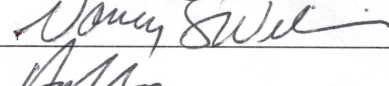
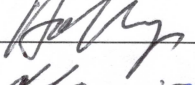
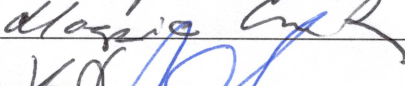
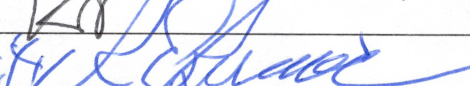
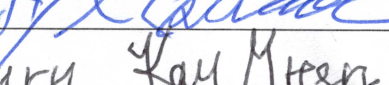
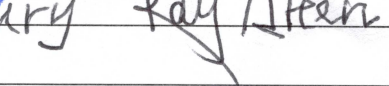
	Name	Last	Address	Spent? y/n
22	P. Dawn	Mosley - Young	625 E Stanford	
23	Heather	Mosley - Young	625 E Stanford	
24	Rodney	Dixon	1118 E University	y
25	Lisa D	Dixon	1118 E University	
26	Doug	Carroll	815 E Portland	
27	Karla	Carroll	815 E. Portland	
28	Rick	Welker	1124 E. Linwood Terr.	y
29	Susan	Welker	" "	y
30	Marty	Juda		
31	Roberta	J. Lowe	1130 E. University	y
32	Evelyn	Gurin Mangan	818 E. Portland	
33	Sally	England	940 E University St.	
34	James	England	940 E. University St.	
35	Barbara	Robison	1010 E. University St 65807	
36	Sheryl	Shaefer	1703 S. National 65804	y
37	Renee	Fogle	1125 E Kingsbury 65807	y
38	Cathy	Wright	1110 E. Kingsbury 65807	
39	STEPHANIE	SHADWICK	1101 E STANFORD ST.	
40	PADEN	CHAMBERS	1643 E LOMBARD ST.	
41	Dorel	Dunbar	932 E. Kingsbury St	y
42	Sheila	Dunbar	" " "	
43	MCKAY,	FRANK	952 E. KINGSBURY	
44	KAREN	BURMOOD	1224 E. Stanford	y
45	Barbara Rae	Nugher	951 E. Portland St.	
46	Annette	West	1515 S. Kings Ave	
47	MARK	Wesland	911 E. University St	
48	Steve	Waddell	911 E. University St	
49				
50				

SPEAK?
Y/N

	NAME	ADDRESS	SIGNATURE	
51	Gayla Cary	1653 S. NATIONAL	Gayla Cary	N
52	Josh Cleman	615 E. University	[Signature]	N
53	Rick Welker	1124 Linwood	Terr. Thur	Y
54	Susan Welker	'	[Signature]	Y
55	Kit Creemer	919 E Stanford	Kit Creemer	N
56	Kathy Pulley	826 E Kingsbury	Kathy Pulley	N
57	Annette Holm	1133 E Linwood Dr.	Annette Holm	N
58	B. Jason Ray	1136 E. Kingsbury	Jason Ray	N
59	Jan Peterson	1024 E. Stanford	Jan H. Peterson	Y
60	John Stinson	1116 E Stanford	John H. Stinson	Y
61	Ging Hutcherson	807 E Loren	[Signature]	N
62	Bobbie REAM	1448 E BERKELEY	Bobbie REAM	
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SPEAK?
Y/N

	NAME	ADDRESS	SIGNATURE	
80	Ivy Schulte	719 E University		Y
81	Shelby Schulte	719 E University		
82				
83	Shanna Higgs	615 E. UNIVERSITY		
84	Anthony Roberts	1126 E. Stanford		N
85	Cynthia Bylander	1005 E Kingsbury		N
86	RINA EDGE	1030 E. STANFORD		N
87	Kim Eastlake	634 E. Kingsbury St		N
88	Ted Eastlake	634 E Kingsbury St		N
89	Becky Volz	1410 N. Grant		N
90	Brian Fogli	1111 E Kingsbury		N
91	WENDELL SHOFFER	940 E KINGSBURY		N
92	Jackie Shaffer	940 E. Kingsbury		N
93	TYLER SAMUEL	1715 S. NATIONAL AVE		N
94	Nancy Williams	953 E Linwood Dr		N
95	Holly Adams	972 E Linwood		N
96	Maggie Castro	1006 E Linwood		
97	Kay Miller	1117 E University		N
98	KAY BURNED	1224 E UNIVERSITY		
99	Kay Green	1055 E. Kingsbury		
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106				
107				
108				

1306/25
@gmail.com

Cara Kotem 1433 S. Jefferson MO 65807
Rachel Hollis 1326 E Delmar
Courtney Fletcher

Attachment 4

DATE: November 22, 2022
TO: Susan Istenes, Planning Director
SUBJECT: PLN2022-00272 Z-27-2022
1755 S National Avenue
Traffic Impact Assessment

Public Works has completed the review of the Traffic Impact Assessment (TIA) for the subject project and find it acceptable with the following requirements, as outlined in the TIA. **Please be advised that all proposed improvements are required to be submitted and approved as Public Improvement Plans that will need to be constructed, or if allowed, escrowed prior to issuance of any building permits.**

- Access P1 (Sunshine St.): Shall construct a raised concrete median on Sunshine St. to restrict access to Right-in/Right-out/Left-in only.
- Access P2 (University St.): Full access driveway.
- University St. at National Ave.: Shall construct a raised concrete median on National Ave. to restricted access to Right-in/Right-out only on the west side of National Ave. and Right-in/Right-out/Left-in only on the east side of National Ave.
- University St. and/or Hampton Ave.: Shall install traffic calming measures, as approved by the Traffic Engineer, and included in the Public Improvement Plans.
- The development should be completed in a manner, or right-of-way provided, to allow future construction of the southbound National Ave. to westbound Sunshine St. turn lane.
- Any change in use that creates an increase in total trip generation as presented in this TIA of more than 500 trips daily and/or 50 trips in the peak hour will require a modified traffic impact study.

Respectfully,



Brett Foster, City Traffic Engineer

BF/cz

cc Susan Istenes
Dan Smith
Martin Gugel



SUNSHINE & NATIONAL TRAFFIC IMPACT ASSESSMENT

PREPARED FOR

Ralph Duda III
Owner, Anything Possible
1851 E. Florida Street,
Springfield, MO 65803



November 11, 2022

PREPARED BY:



CJW 

EXECUTIVE SUMMARY

PROJECT

A mixed-use development has been proposed for an existing parcel in Springfield, Missouri that has Sunshine Street run along its southern border, National Avenue run along its eastern border, and University Street run along its northern border. The development will be utilized for the construction of 11,285 sqft of Shopping Center space, 3,761 sqft of General Office space, and 87 dwelling units of Mid-Rise Residential with 1st-Floor Commercial. It is anticipated that the property will include two access points, one onto University Street and one onto Sunshine Street.

RESULTS

The results of the study showed that in the existing condition, the intersection of National Avenue & University Street operates at a level of service A overall. The signalized intersection of National Avenue & Sunshine Street operates at a level of service E overall. The intersection of Florence Avenue & Sunshine Street operates at a level of service A overall. The intersection of Hampton Avenue & Sunshine Street operates at a level of service A overall.

A review of the 2024 peak hour intersection analysis revealed that the intersection of Access P2 & University Street will operate at a level of service A overall. The intersection of National Avenue & University Street will operate at a level of service A overall. The signalized intersection of National Avenue & Sunshine Street will operate at a level of service E overall. The intersection of Florence Avenue & Sunshine Street will operate at a level of service A overall. The intersection of Access P1 & Sunshine Street will operate at a level of service A overall. The intersection of Hampton Avenue & Sunshine Street will operate at a level of service A overall.

RECOMMENDATIONS

Roadway Improvements 2024 – After reviewing the affected intersections, it has been determined that the signalized intersection of National Avenue & Sunshine Street will require a designated southbound right turn lane which will provide more storage length than the channelized right that exists today. However, this is an existing deficiency in the intersection. Given that the development is not anticipated to heavily contribute to this movement, it should not be the sole responsibility of the developer to put in the southbound right turn lane at National & Sunshine. Median barrier improvements should be added to National Avenue to discourage left movements in and out of University Street & should be added at Access P1 to discourage left movements out of the development. Finally, traffic calming measures should be considered to help deter vehicles from the development from navigating throughout neighborhood roadways.

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- II. 2024 Traffic Conditions

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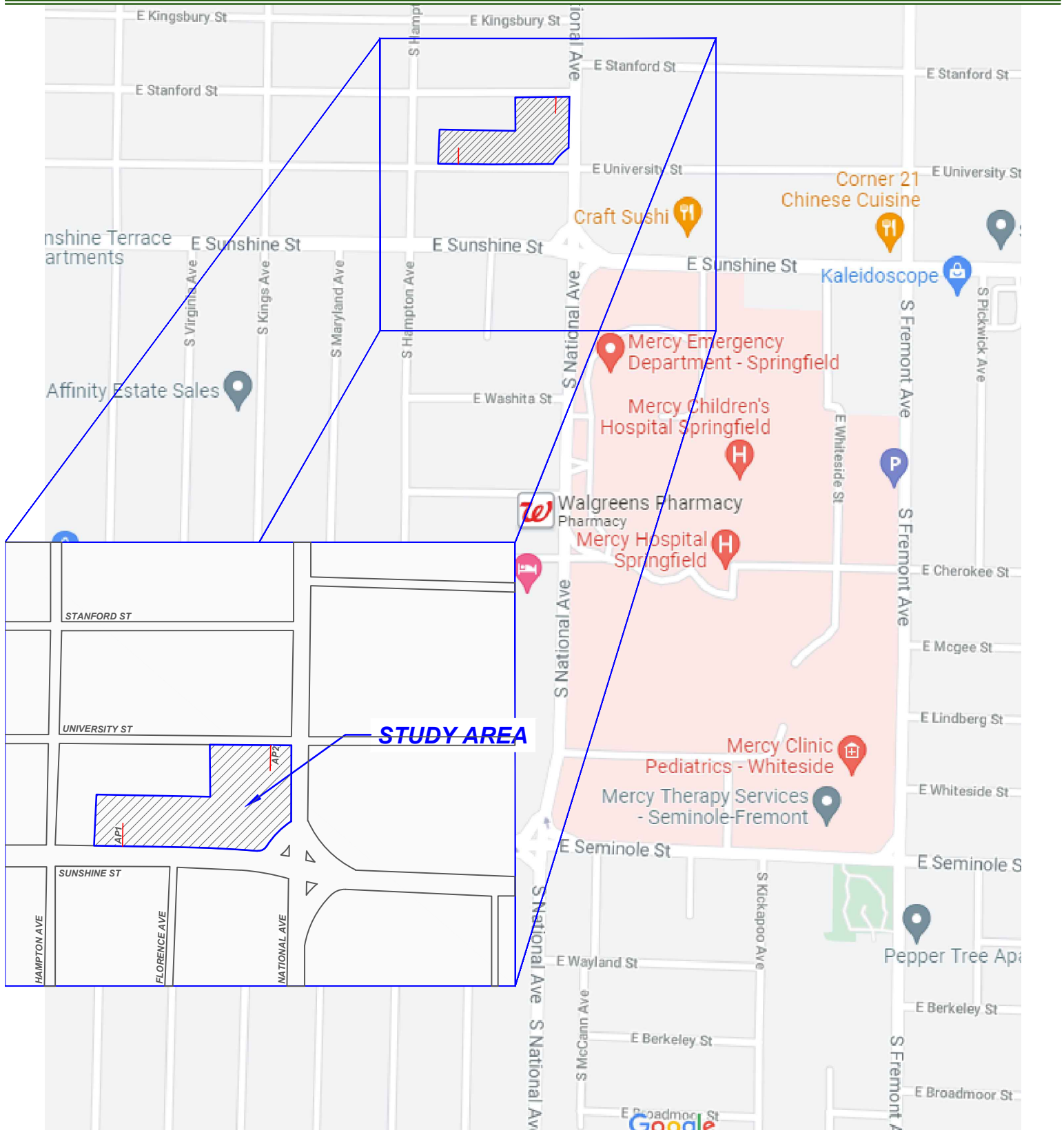
INTRODUCTION

PURPOSE OF STUDY

A mixed-use development has been proposed for an existing parcel in Springfield, Missouri that has Sunshine Street run along its southern border, National Avenue run along its eastern border, and University Street run along its northern border. **Exhibit 1** illustrates the location of the proposed development. The purpose of this study is to determine the potential impact to the transportation network due to potential development and identify any necessary improvements (lane additions and/or traffic control modifications) to the adjacent and nearby road system to mitigate the impact and maintain a satisfactory level of service, adequate safety, and access for the proposed development.

STUDY OBJECTIVES

The objective of this study is to evaluate development access points and traffic impacts on the public roadway network adjacent to the site of the proposed development. This report will identify possible traffic related concerns that could arise due to the proposed development and recommend any needed improvements based on comprehensive data attained in the field and traffic projections.



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AREA CONDITIONS

TRANSPORTATION NETWORK STUDY AREA

AREA ROADWAY SYSTEM – EXISTING

Exhibit 2 illustrates the existing roadway system with AM & PM peak hour traffic volumes for the adjacent roadways. The roadways analyzed within the study have the following characteristics:

SUNSHINE STREET – (South of the development) Sunshine Street is an east/west roadway. The roadway provides full access to residential & commercial properties in Springfield, Missouri. It is a five-lane roadway with typical lane widths of 12 feet. Traffic volumes at Sunshine Street recorded 28,940 vehicles per day, 2,304 vehicles in the AM peak hour, and 2,605 vehicles in the PM peak hour. Sunshine Street is classified as a Primary Arterial by the Ozarks Transportation Organization's (OTO) Major Thoroughfare Plan. The roadway is under the jurisdiction of the City of Springfield and is posted with a 40 MPH speed limit near the development.

NATIONAL AVENUE – (East of the development) National Avenue is a north/south roadway. The roadway provides full access to residential & commercial properties in Springfield, Missouri. It is a five-lane roadway with typical lane widths of 12 feet. Traffic volumes at National Avenue recorded 31,910 vehicles per day, 2,456 vehicles in the AM peak hour, and 2,872 vehicles in the PM peak hour. National Avenue is classified as a Primary Arterial by the OTO's Major Thoroughfare Plan. The roadway is under the jurisdiction of the City of Springfield and is posted with a 35 MPH speed limit near the development.

UNIVERSITY STREET – (North of the development) University Street is an east/west roadway. The roadway provides full access to residential properties in Springfield, Missouri. It is a two-lane roadway with typical lane widths of 12 feet. Traffic volumes at University Street recorded 260 vehicles per day, 13 vehicles in the AM peak hour, and 23 vehicles in the PM peak hour. University Street is classified as a Local Road by the OTO's Major Thoroughfare Plan. The roadway is under the jurisdiction of the City of Springfield and is posted with a 25 MPH speed limit near the development.

FLORENCE AVENUE – (West of the development) Florence Avenue is a north/south roadway. The roadway provides full access to residential properties in Springfield, Missouri. It is a two-lane roadway with typical lane widths of 12 feet. Traffic volumes at Florence Avenue recorded 90 vehicles per day, 3 vehicles in the AM peak hour, and 8 vehicles in the PM peak hour. Florence Avenue is classified as a Local Road by the OTO's Major Thoroughfare Plan. The roadway is under the jurisdiction of the City of Springfield and while unposted, it is assumed to have a speed limit of 25 MPH speed limit near the development.

HAMPTON AVENUE – (West of the development) Hampton Avenue is a north/south roadway. The roadway provides full access to residential properties in Springfield, Missouri. It is a two-lane roadway with typical lane widths of 12 feet. Traffic volumes at Hampton Avenue recorded 430 vehicles per day, 33 vehicles in the AM peak hour, and 39 vehicles in the PM peak hour. Hampton Avenue is classified as a Local Road by the OTO's Major Thoroughfare Plan. The

roadway is under the jurisdiction of the City of Springfield and is posted with a 25 MPH speed limit near the development.

AREA ROADWAY SYSTEM – FUTURE

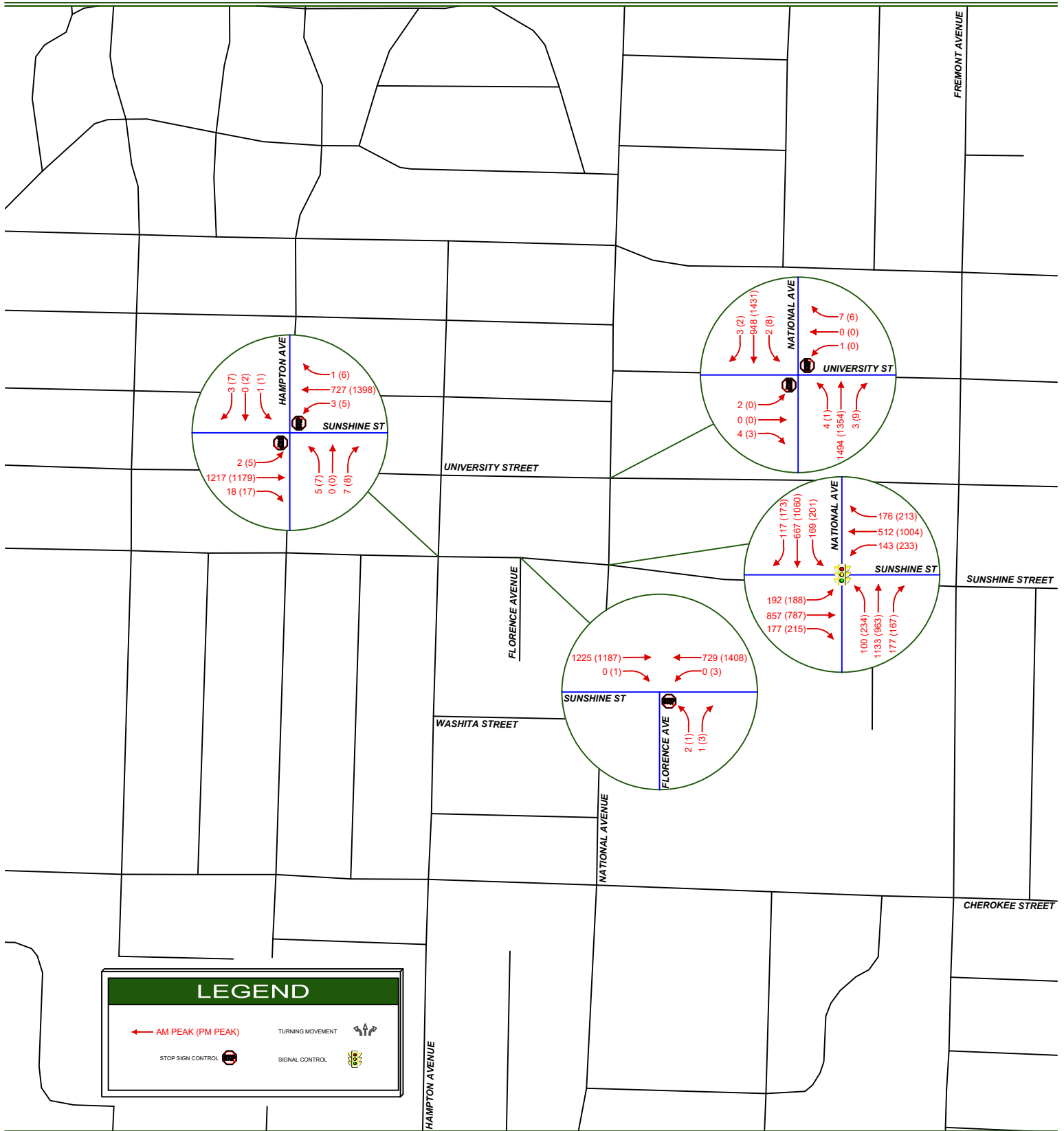
ACCESS P1 – Access P1 will provide Right-In-Right-Out (RIRO) with Lefts-In access from Sunshine Street to the subject property and will provide ingress/egress to development traffic.

ACCESS P2 – Access P2 will provide full access onto University Street to the subject property and will provide ingress/egress to development traffic. It is recommended that traffic calming measures be considered between the development and the neighborhood which would act to discourage commercial traffic from utilizing the residential street network

UNIVERSITY & NATIONAL – For the purpose of this study, it was anticipated that the intersection of University & National Avenue would be converted to a Right-In-Right-Out. After discussions with the city traffic department, and reviewing the turning movement counts, one can see that during the peak periods left turn lane movements are not taken by motorists at this intersection. This would indicate that motorists utilize other access points to the neighborhood to avoid these movements, and thus a Right-In-Right-Out would be appropriate for this location.

Exhibit 2 illustrates the existing roadway system and the existing AM & PM peak hour traffic volumes for the adjacent roadways.

Traffic is typically analyzed in the peak hour condition, which allows an analysis of the “worst-case scenario” due to the nature of traffic in the study area and projected land uses, the PM peak hour was determined to be the most applicable period for analysis.



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Existing Traffic

EXISTING CAPACITY

Due to the type of development proposed at this property, a capacity analysis of the existing road system was conducted to analyze intersection operations during the AM & PM peak hour.

EXISTING LEVEL OF SERVICE

The capacity was analyzed using Synchro Traffic modeling software, which is based on procedures and techniques outlined in the *HIGHWAY CAPACITY MANUAL*, 2010 Edition which is published by the Transportation Research Board to determine operational level of service (LOS) and lane requirements. The quality of traffic flow is estimated based on calculations of delay to vehicles on each approach at an intersection. A grading system has been developed in the *Highway Capacity Manual* related to delay per vehicle which defines the quality of flow from Level A for free flowing conditions through Level F representing extreme congestion with excessive delays. Levels of traffic service are quantifiable measures of traffic flow that are represented by such factors as speed and delay time, traffic interruptions, safety, driving comfort and convenience. Level of service (LOS), vehicular delay and volume-to-capacity are key “measures of effectiveness” (MOEs) in the analysis of intersections.

The thresholds that define LOS are based on the type of traffic control used at an intersection; i.e., whether it is signalized or unsignalized. For signalized intersections, the average control delay per vehicle is estimated for each movement and aggregated for each approach and the intersection as a whole. At intersections with partial (side-street) stop control, the delay for each minor movement and approach is determined with no report for the intersection as a whole (since motorists on the main road are not required to stop and are assumed to operate under free-flow conditions). LOS is directly related to control delay. Highway designers strive for a minimum LOS of “C” as design criteria for operations during peak hour conditions, but a LOS E is acceptable during the peak hour. **Table 1** shows the LOS for the existing traffic volumes and lane geometrics for the AM & PM peak hour.

Table 1: Existing Peak Hour Measures of Effectiveness
Summary of Intersection Capacity Analysis & Geometric Configuration

INTERSECTION N/S	E/W	# of Lanes	Traffic Control	AM Delay	LOS	PM Delay	LOS
National Avenue & University Street			TWSC	0.1	A	0.2	A
Eastbound Left / Through / Right		1	Stop	15.1	C	15.7	C
Westbound Left / Through / Right		1	Stop	11.9	B	9.8	A
Northbound Left / Through / Right		2	Free	0.1	A	0.0	A
Southbound Left / Through / Right		2	Free	0.1	A	0.2	A
National Avenue & Sunshine Street			Signal	57.3	E	83.3	F
Eastbound Left		2		66.8	E	235.7	F
Eastbound Through		2		60.0	E	58.6	E
Eastbound Right		1		5.8	A	24.9	C
Westbound Left		2		95.7	F	78.5	E
Westbound Through		2		46.5	D	59.3	E
Westbound Right		1		8.3	A	18.9	B
Northbound Left		2		73.4	E	118.2	F
Northbound Through		2		78.2	E	67.2	E
Northbound Right		1		7.0	A	7.8	A
Southbound Left		2		129.6	F	87.7	F
Southbound Through / Right		2		38.9	D	135.4	F
Florence Avenue & Sunshine Street			OWSC	0.0	A	0.0	A
Eastbound Through / Right		2	Free	0.0	A	0.0	A
Westbound Left		1	Free	0.0	A	11.8	B
Westbound Through		2	Free	0.0	A	0.0	A
Northbound Left / Right		1	Stop	20.0	C	15.9	C
Hampton Avenue & Sunshine Street			TWSC	0.2	A	0.3	A
Eastbound Left / Through / Right		2	Free	0.0	A	0.1	A
Westbound Left / Through / Right		2	Free	0.1	A	0.1	A
Northbound Left / Through / Right		1	Stop	20.2	C	21.3	C
Southbound Left / Through / Right		1	Stop	10.7	B	14.8	B

2024 Projected Traffic

SITE TRAFFIC

2024 PROPOSED TRIP GENERATION

Traffic generated to and from the development was estimated based upon data provided in “Trip Generation, 10th Edition,” an informative report published by the Institute of Transportation Engineers (2017). The ITE Trip Generation Report is recognized by land use and traffic planners as the most authoritative text available for estimating the trip generation of various types of land development. Traffic volumes for future development are estimated in terms of “Trip Ends” for each land use. A Trip End is defined as a one-way trip to or from the subject property that has the property as either its origin or destination. In determining trip generation, the average rate as given by the ITE Trip Generation Report was used. Average daily trip generations have been calculated for the proposed development. For the purpose of this study, the criterion above was used to compute the trips generated. The number of trips was subsequently used to determine the impact on adjacent roadways.

Table 2 summarizes the average daily, AM, and PM peak hour traffic generated to and from the property for the proposed development, based on the expectations previously stated.

Table 2: Average Daily, AM, & PM Trip Generation

LAND USE	ITE			24-HOUR	AM PEAK		PM PEAK	
	CODE	Size	Variable	WEEKDAY	IN	OUT	IN	OUT
Shopping Center	820	11.285	1000 SQFT GFA	426	7	4	52	56
General Office Building	710	3.761	1000 SQFT GFA	44	26	4	1	4
Mid-Rise Residential w/ 1 st -Floor Commercial	231	87	Dwelling Units	299	7	19	22	9
TOTAL NEW TRIPS				769	40	27	75	69

Full Trip Generation Table including the PM Peak Hour Rate and Percent Entering / Percent Exiting can be viewed in the 2024 Appendix.

The trip generation projections were adjusted to account for internal capture. According to the ITE Trip Generation Handbook, 2nd Edition, Chapter 7, these internal (“Captured”) trips are made either by walking or by vehicles using internal roadways without using the major, external streets. During this study, it was determined internal capture was significant during the AM & PM peak hours for the types of land uses proposed for the development. An internal capture rate was calculated for use in our study based upon the procedures shown in ITE Trip Generation Handbook, 2nd Edition, Chapter 7 with reflected a rate of 10% for both the AM & PM Peak Hour.

Another Trip phenomena that was considered as a part of this study is Pass By / Diverted Link trips. Pass By / Diverted Link trips are trips that are already utilizing the roadway network adjacent to the development, which will now be attracted to the development.

2024 PROPOSED TRIP DISTRIBUTION

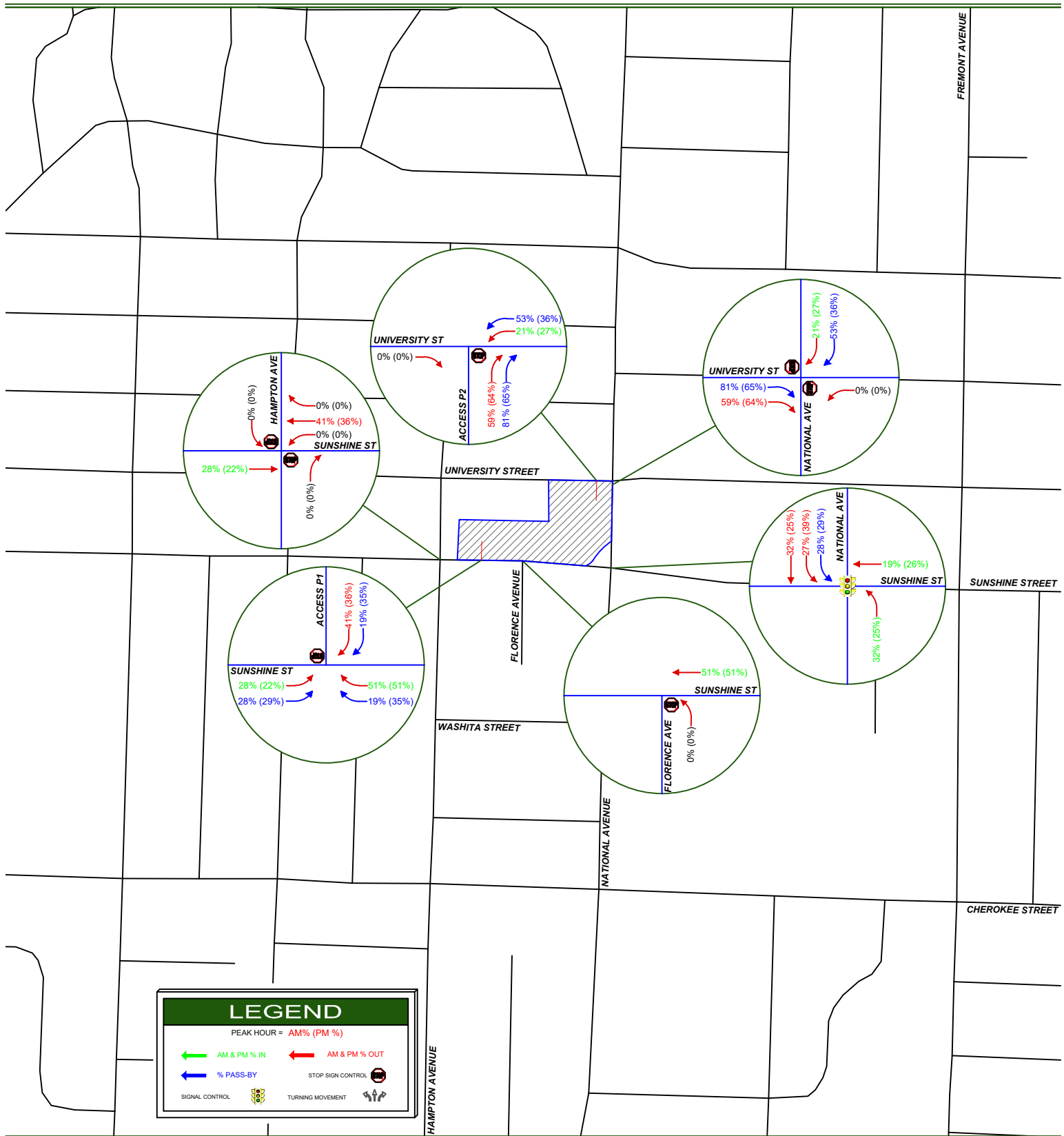
For the purpose of this study a directional distribution of traffic was compiled in order to accurately describe the traffic patterns the development is projected to create. The directional distribution is used to distribute the traffic generated by the proposed development onto the roadway network.

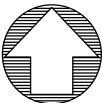
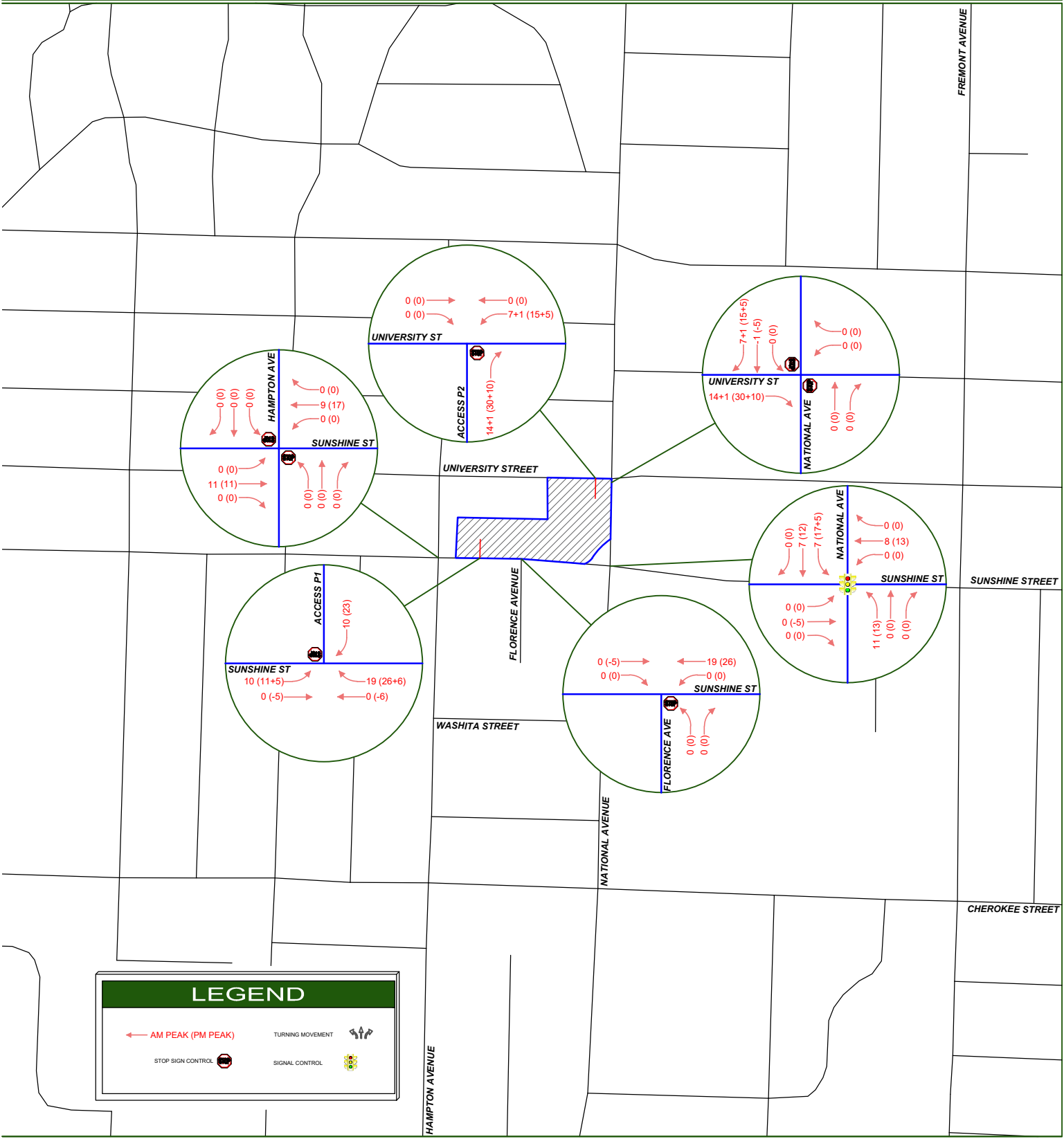
Table 3 summarizes the expected 2024 AM & PM new trip directional distribution of traffic to and from the site as used in the study.

Table 3: 2024 New Trip Directional Distribution

LOCATION			AM Peak New Trip Traffic Distribution		PM Peak New Trip Traffic Distribution	
Roadway	From	To	% IN	% OUT	% IN	% OUT
Access P1			79% / 41%		73% / 36%	
Access P2			21% / 59%		27% / 64%	
University Street	West of	Access P2	0% / 0%		0% / 0%	
University Street	Access P2	National Avenue	21% / 59%		27% / 64%	
University Street	East of	National Avenue	0% / 0%		0% / 0%	
National Avenue	North of	University Street	21% / 0%		27% / 0%	
National Avenue	University Street	Sunshine Street	0% / 59%		0% / 64%	
National Avenue	South of	Sunshine Street	32% / 32%		25% / 25%	
Sunshine Street	West of	Hampton Avenue	28% / 41%		22% / 36%	
Sunshine Street	Hampton Avenue	Access P1	28% / 41%		22% / 36%	
Sunshine Street	Access P1	Florence Avenue	51% / 0%		51% / 0%	
Sunshine Street	Florence Avenue	National Avenue	51% / 0%		51% / 0%	
Sunshine Street	East of	National Avenue	19% / 27%		26% / 39%	
Hampton Avenue	North of	Sunshine Street	0% / 0%		0% / 0%	
Hampton Avenue	South of	Sunshine Street	0% / 0%		0% / 0%	
Florence Avenue	South of	Sunshine Street	0% / 0%		0% / 0%	

Exhibit 3 illustrates the new trip directional distribution of traffic entering and exiting the study area for the AM & PM peak hour as shown in **Table 3**.





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2024 TOTAL FUTURE TRAFFIC

2024 BUILD CONDITION (TOTAL TRAFFIC CONDITIONS)

Using the existing traffic grown annually at 2% for 2 years, the estimated generated trip ends from **Table 2** and the assumed directional distribution of traffic from **Table 3**, it is possible to estimate the traffic on each of the impacted roads. **Tables 4, 5, & 6** represent the two-way traffic anticipated at full build out during the day, AM, and PM Peak Hour respectively onto each roadway segment.

Table 4: 2024 Daily Projected Traffic Volumes

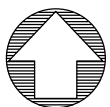
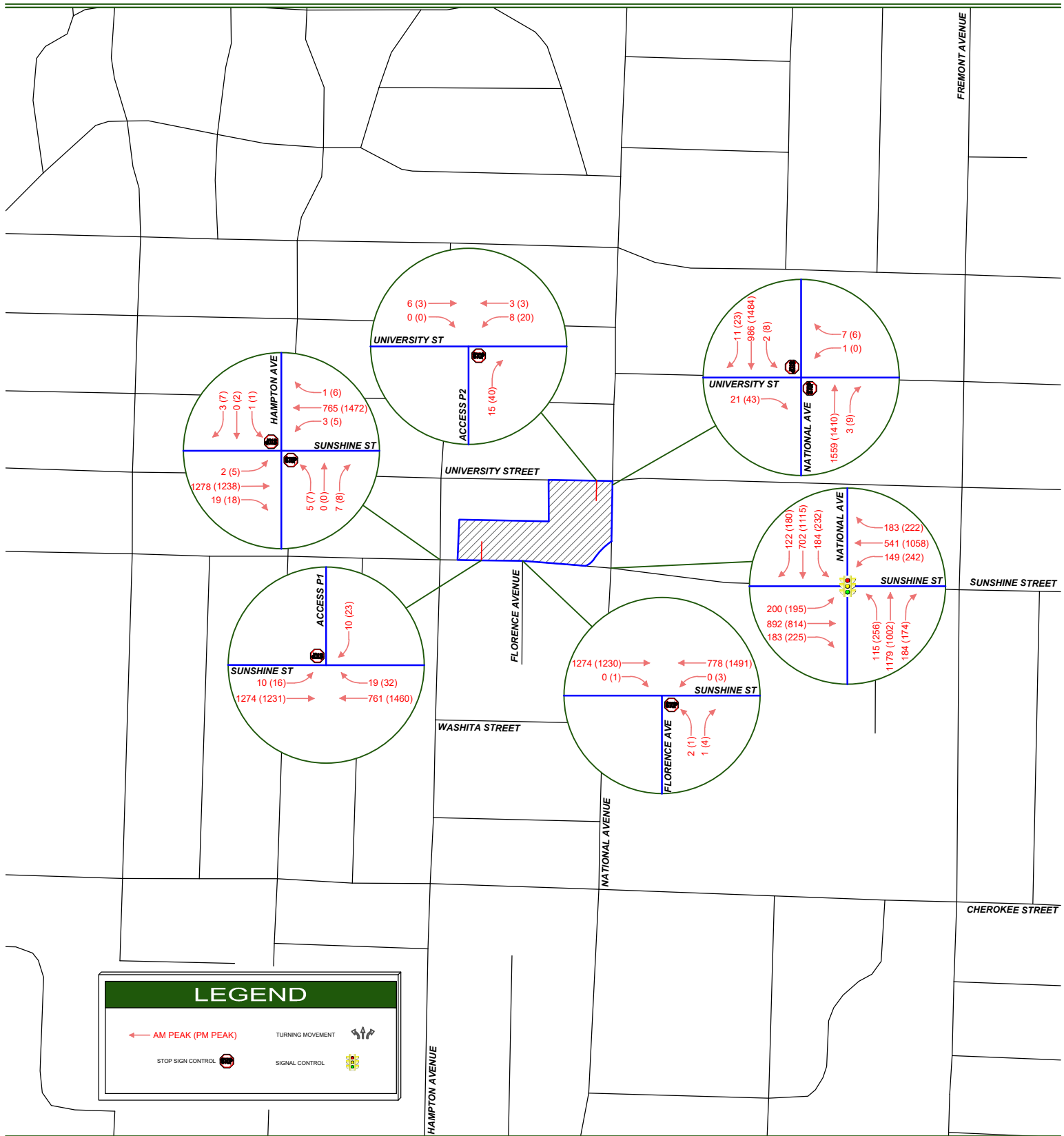
Roadway	From	To	Daily Traffic	
			Existing	2024 Projections with the Proposed
Access P1			--	790
Access P2			--	670
University Street	West of	Access P2	140	100
University Street	Access P2	National Avenue	70	730
University Street	East of	National Avenue	260	260
National Avenue	North of	University Street	31,120	32,570
National Avenue	University Street	Sunshine Street	31,090	32,730
National Avenue	South of	Sunshine Street	31,910	33,490
Sunshine Street	West of	Hampton Avenue	29,030	30,520
Sunshine Street	Hampton Avenue	Access P1	28,860	30,330
Sunshine Street	Access P1	Florence Avenue	28,860	30,260
Sunshine Street	Florence Avenue	National Avenue	28,900	30,310
Sunshine Street	East of	National Avenue	28,940	30,470
Hampton Avenue	North of	Sunshine Street	230	230
Hampton Avenue	South of	Sunshine Street	430	440
Florence Avenue	South of	Sunshine Street	90	100

Table 5: 2024 AM Peak Hour Projected Traffic Volumes

Roadway	From	To	AM Peak 2024 Projections with the Proposed	
			Existing	Proposed
Access P1			--	39
Access P2			--	23
University Street	West of	Access P2	13	9
University Street	Access P2	National Avenue	13	32
University Street	East of	National Avenue	13	13
National Avenue	North of	University Street	2,456	2,565
National Avenue	University Street	Sunshine Street	2,454	2,570
National Avenue	South of	Sunshine Street	2,397	2,512
Sunshine Street	West of	Hampton Avenue	1,972	2,072
Sunshine Street	Hampton Avenue	Access P1	1,956	2,055
Sunshine Street	Access P1	Florence Avenue	1,956	2,054
Sunshine Street	Florence Avenue	National Avenue	1,955	2,053
Sunshine Street	East of	National Avenue	2,034	2,133
Hampton Avenue	North of	Sunshine Street	7	7
Hampton Avenue	South of	Sunshine Street	33	34
Florence Avenue	South of	Sunshine Street	3	3

Table 6: 2024 PM Peak Hour Projected Traffic Volumes

Roadway	From	To	PM Peak 2024 Projections with the Proposed	
			Existing	Proposed
Access P1			--	71
Access P2			--	60
University Street	West of	Access P2	6	6
University Street	Access P2	National Avenue	6	66
University Street	East of	National Avenue	23	23
National Avenue	North of	University Street	2,801	2,931
National Avenue	University Street	Sunshine Street	2,798	2,946
National Avenue	South of	Sunshine Street	2,872	3,014
Sunshine Street	West of	Hampton Avenue	2,613	2,747
Sunshine Street	Hampton Avenue	Access P1	2,597	2,730
Sunshine Street	Access P1	Florence Avenue	2,597	2,723
Sunshine Street	Florence Avenue	National Avenue	2,601	2,728
Sunshine Street	East of	National Avenue	2,605	2,742
Hampton Avenue	North of	Sunshine Street	21	21
Hampton Avenue	South of	Sunshine Street	39	40
Florence Avenue	South of	Sunshine Street	8	9



NORTH
SCALE: NTS



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CJW PROJECT No. 22152

2024 Traffic Analysis

SITE ACCESS

Access to the development is being proposed through two access points. Access P1 will be located on Sunshine Street and Access P2 will be located on University Street. Access P1 will act as a Right-In-Right-Out with Lefts-In and Access P2 will allow full access onto University Street. However, it is recommended that traffic calming measures be considered between the development and the neighborhood which would act to discourage commercial traffic from utilizing the residential street network. Additionally, it is anticipated that University Street west of National Avenue will be converted into a RIRO. Roadway access point capacity must be analyzed thoroughly in order to ensure that the roadway network adequately handles future traffic demands based on the additional development trip generation.

CAPACITY AND INTERSECTION UTILIZATION AT STUDY ROADWAYS AND INTERSECTIONS

PROPOSED 2024 PEAK HOUR LEVEL OF SERVICE (NO BUILD)

A capacity analysis of the road system was conducted assuming no improvements would be made in order to analyze intersection operations during the AM & PM peak hours and determines the condition of the future roadway infrastructure with a no-build option. The capacity was analyzed using Synchro Traffic modeling software, which is based on procedures and techniques outlined in the HIGHWAY CAPACITY MANUAL, 2010 Edition which is published by the Transportation Research Board to determine operational level of service (LOS) and lane requirements.

Table 7 illustrates the AM & PM peak hour level of service for the intersection based upon the construction of the development and no roadway improvements.

Table 7: Peak Measures of Effectiveness (No Roadway Improvements)
Summary of Intersection Capacity Analysis & Geometric Configuration

INTERSECTION N/S	E/W	# of Lanes	Traffic Control	AM Delay	LOS	PM Delay	LOS
Access P2 & University Street			OWSC	5.7	A	7.4	A
Eastbound Through / Right		1	Free	0.0	A	0.0	A
Westbound Left / Through		1	Free	5.4	A	6.4	A
Northbound Left / Right		1	Stop	8.4	A	8.5	A
National Avenue & University Street			TWSC	0.2	A	0.4	A
Eastbound Right		1	Stop	12.8	B	18.2	C
Westbound Left / Right		1	Stop	19.3	C	9.8	A
Northbound Through / Right		2	Free	0.0	A	0.0	A
Southbound Left / Through / Right		2	Free	0.1	A	0.3	A

National Avenue & Sunshine Street		Signal	68.7	E	88.7	F
Eastbound Left	2		70.1	E	150.1	F
Eastbound Through	2		74.9	E	75.0	E
Eastbound Right	1		6.7	A	31.8	C
Westbound Left	2		108.7	F	101.0	F
Westbound Through	2		49.4	D	120.5	F
Westbound Right	1		9.4	A	23.5	C
Northbound Left	2		65.9	E	145.7	F
Northbound Through	2		115.9	F	56.1	E
Northbound Right	1		8.0	A	7.5	A
Southbound Left	2		73.4	E	98.6	F
Southbound Through / Right	2		41.6	D	105.2	F
Florence Avenue & Sunshine Street		OWSC	0.0	A	0.0	A
Eastbound Through / Right	2	Free	0.0	A	0.0	A
Westbound Left	1	Free	0.0	A	12.1	B
Westbound Through	2	Free	0.0	A	0.0	A
Northbound Left / Right	1	Stop	20.9	C	16.0	C
Access P1 & Sunshine Street		OWSC	0.1	A	0.2	A
Eastbound Left / Through	2	Free	0.1	A	0.4	A
Westbound Through / Right	2	Free	0.0	A	0.0	A
Southbound Right	1	Stop	9.0	A	10.0	B
Hampton Avenue & Sunshine Street		TWSC	0.2	A	0.3	A
Eastbound Left / Through / Right	2	Free	0.0	A	0.2	A
Westbound Left / Through / Right	2	Free	0.1	A	0.2	A
Northbound Left / Through / Right	1	Stop	21.5	C	22.8	C
Southbound Left / Through / Right	1	Stop	10.9	B	15.5	C

Table 8: Intersection Improvements: Turn Lane Warrants¹

Intersection	Direction	Turn Lane	Warranted?	Storage Length (ft)	Taper Length (ft)
Access P2 & University Street	Eastbound	Right	No	--	--
Access P2 & University Street	Westbound	Left	No	--	--
National Avenue & University Street	Southbound	Right	No	--	--
National Avenue & Sunshine Street ²	Southbound	Right	Yes	90'	100'
Access P1 & Sunshine Street	Westbound	Right	No	--	--
Access P1 & Sunshine Street	Eastbound	Left	No	--	--

¹ Turn Lanes were considered warranted on the basis of if they exceeded 100 veh/hr in either the AM or PM Peak hour.

² This improvement addresses an existing deficiency at the intersection. Given that the development is not expected to contribute additional demand to this movement, it should not be the sole responsibility of the developer to put in the designated turn lane.

PROPOSED 2024 PEAK HOUR LEVEL OF SERVICE (BUILD)

Turn lane warrants, which can be viewed above in **Table 8**, were conducted to determine if any intersection would require either a designated left or right turn lane. At this time, it was determined that the signalized intersection of National Avenue & Sunshine Street will require a designated southbound right turn lane which will provide more storage than the channelized right that exists today. However, this designated right turn lane improves an existing deficiency

at the intersection. The development is not anticipated to contribute to the deficiency and therefore it should not be the sole responsibility of the developer to put in this improvement.

Table 9: Peak Measures of Effectiveness (w/ Roadway Improvements)
Summary of Intersection Capacity Analysis & Geometric Configuration

INTERSECTION N/S	E/W	# of Lanes	Traffic Control	AM Delay	LOS	PM Delay	LOS
Access P2 & University Street			OWSC	5.7	A	7.4	A
Eastbound Through / Right		1	Free	0.0	A	0.0	A
Westbound Left / Through		1	Free	5.4	A	6.4	A
Northbound Left / Right		1	Stop	8.4	A	8.5	A
National Avenue & University Street			TWSC	0.2	A	0.4	A
Eastbound Right		1	Stop	12.8	B	18.2	C
Westbound Left / Right		1	Stop	20.3	C	9.8	A
Northbound Through / Right		2	Free	0.0	A	0.0	A
Southbound Left / Through / Right		2	Free	0.1	A	0.3	A
National Avenue & Sunshine Street			Signal	67.0	E	74.2	E
Eastbound Left		2		70.1	E	123.7	F
Eastbound Through		2		74.9	E	64.9	E
Eastbound Right		1		6.7	A	28.5	C
Westbound Left		2		108.7	F	85.1	F
Westbound Through		2		49.4	D	94.9	F
Westbound Right		1		9.4	A	22.0	C
Northbound Left		2		65.9	E	122.6	F
Northbound Through		2		115.9	F	65.0	E
Northbound Right		1		8.0	A	8.0	A
Southbound Left		2		73.4	E	112.7	F
Southbound Through		2		37.6	D	80.1	F
Southbound Right		1		1.6	A	9.9	A
Florence Avenue & Sunshine Street			OWSC	0.0	A	0.0	A
Eastbound Through / Right		2	Free	0.0	A	0.0	A
Westbound Left		1	Free	0.0	A	12.1	B
Westbound Through		2	Free	0.0	A	0.0	A
Northbound Left / Right		1	Stop	20.9	C	16.0	C
Access P1 & Sunshine Street			OWSC	0.1	A	0.2	A
Eastbound Left / Through		2	Free	0.1	A	0.6	A
Westbound Through / Right		2	Free	0.0	A	0.0	A
Southbound Right		1	Stop	9.0	A	10.0	B
Hampton Avenue & Sunshine Street			TWSC	0.2	A	0.3	A
Eastbound Left / Through / Right		2	Free	0.0	A	0.2	A
Westbound Left / Through / Right		2	Free	0.1	A	0.2	A
Northbound Left / Through / Right		1	Stop	21.5	C	22.8	C
Southbound Left / Through / Right		1	Stop	10.9	B	15.5	C

2024 Findings & Recommendations

- **Sight Distance at the Proposed Entrances** – Careful consideration should be given to sight distance obstructions when planning any future development or aesthetic enhancements, such as berms, fencing, or landscaping, to ensure that these improvements do not obstruct the view of entering and exiting traffic at the development entrance with public roads. It is generally recommended that all improvements higher than 3.5 feet above the elevation of the nearest pavement edge be held back at least 20 feet from the traveled roadway.
- **Access P1** – Access P1 will serve as a RIRO with Lefts-In access driveway, providing ingress and egress to the development. Development traffic will not be allowed to exit into the neighborhood on west on University Street.
- **Access P2** – Access P2 will serve as a full access driveway, providing ingress and egress to the development.
- **University & National** – For the purpose of this study, it was anticipated that the intersection of University & National Avenue would be converted to a Right-In-Right-Out. After discussions with the city traffic department, and reviewing the turning movement counts, one can see that during the peak periods left turn lane movements by motorists at this intersection are minimal. This would indicate that motorists utilize other access points to the neighborhood to avoid these movements, and thus a Right-In-Right-Out would be appropriate for this location.
- **Traffic Calming** – Traffic calming measures should be considered along University Street between the development and the neighborhood. These measures could be undertaken in a variety of ways, with a goal of discouraging commercial traffic from utilizing the residential street network.
- **Turn Restriction Improvements** – In order to ensure that University Street is limited to a Right-In-Right-Out, a median barrier needs to be added along National Avenue to both discourage vehicles from attempting a left into the development and to prevent vehicles leaving the development from attempting to take a left out from University Street. Additionally, a channelized median should be installed at Access P1 off of Sunshine to discourage vehicles from attempting to turn left out of the development.
- **Neighborhood Traffic** – While the study looks at all of the development traffic utilizing the primary arterials as their primary means of ingress and egress in order to evaluate the maximum stress scenario for the major roadways, it can be expected that some traffic may utilize the neighborhood roadway network for ingress, and egress. The amount of ingress and egress through the neighborhood will largely depend on what traffic calming measures are put in place. If no traffic calming measures are established, one can assume that up to 15% of the development traffic may utilize the neighborhood roadways. For the AM Peak hour, this would be an equivalent of approximately 4 vehicles leaving the development at Access P2 (1 vehicle every 15 minutes) by turning left onto University St, likely turning right onto Hampton Avenue, turning right again onto Stanford Street, and making a left out of Stanford Street onto National Avenue. For the PM Peak hour, this would be the equivalent of approximately 7 vehicles (1

vehicle every 8.5 minutes) leaving the development and making the same movements described above.

SUMMARY OF NEEDED IMPROVEMENTS

Roadway Improvements 2024 – After reviewing the affected intersections, it has been determined that the signalized intersection of National Avenue & Sunshine Street will require a designated southbound right turn lane which will provide more storage length than the channelized right that exists today. However, this is an existing deficiency in the intersection. Given that the development is not anticipated to heavily contribute to this movement, it should not be the sole responsibility of the developer to put in the southbound right turn lane at National & Sunshine. Median barrier improvements should be added to National Avenue to discourage left movements in and out of University Street & should be added at Access P1 to discourage left movements out of the development. Finally, traffic calming measures should be considered to help deter vehicles from the development from navigating throughout neighborhood roadways.

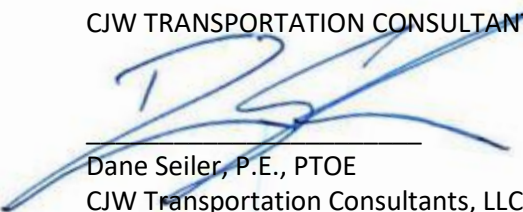
SUMMARY OF INTERSECTION ANALYSIS

A review of the 2024 peak hour intersection analysis revealed that the intersection of Access P2 & University Street will operate at a level of service A overall. The intersection of National Avenue & University Street will operate at a level of service A overall. The signalized intersection of National Avenue & Sunshine Street will operate at a level of service E overall. The intersection of Florence Avenue & Sunshine Street will operate at a level of service A overall. The intersection of Access P1 & Sunshine Street will operate at a level of service A overall. The intersection of Hampton Avenue & Sunshine Street will operate at a level of service A overall.

We trust this traffic study satisfactorily answers questions concerning the traffic impact on the proposed development. If you need additional information, please contact me.

Respectfully submitted,

CJW TRANSPORTATION CONSULTANTS, LLC


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APPENDIX I – EXISTING TRAFFIC

PREPARED BY:



Intersection: National Avenue & University Street

N/S Street: National Avenue

E/W Street: University Street

AM Count

Observer: JO

Date: 10/6/2022

	EB			WB			NB		SB	
Time	L	T	R	L	T	R	L	R	L	R
7:00-7:15	0	0	4	0	0	0	1	0	0	0
7:15-7:30	0	0	0	0	0	0	3	0	0	0
7:30-7:45	0	0	1	0	0	1	1	1	0	1
7:45-8:00	0	0	2	0	0	3	0	0	0	2
8:00-8:15	2	0	1	1	0	3	0	2	2	0
8:15-8:30	0	0	0	0	0	0	0	0	1	1
8:30-8:45	0	0	1	0	0	2	0	2	1	0
8:45-9:00	0	0	2	0	0	0	1	0	0	0
Peak Hour	2	0	4	1	0	7	4	3	2	3
PHF	0.25	#DIV/0!	0.50	0.25	#DIV/0!	0.58	0.33	0.38	0.25	0.38

Intersection: National Avenue & University Street

N/S Street: National Avenue

E/W Street: University Street

PM Count

Observer: JO

Date: 10/6/2022

Time	EB			WB			NB		SB	
	L	T	R	L	T	R	L	R	L	R
4:00-4:15	0	0	1	0	0	2	0	2	2	2
4:15-4:30	0	0	0	0	0	2	0	3	2	0
4:30-4:45	0	0	2	0	0	2	0	2	4	0
4:45-5:00	0	0	0	0	0	0	1	2	0	0
5:00-5:15	0	0	0	0	0	1	0	2	0	0
5:15-5:30	0	0	0	0	0	2	0	0	2	0
5:30-5:45										
5:45-6:00										
Peak Hour	0	0	3	0	0	6	1	9	8	2
PHF	#DIV/0!	#DIV/0!	0.38	#DIV/0!	#DIV/0!	0.75	0.25	0.75	0.50	0.25

Intersection: Sunshine Street & Hampton Avenue

N/S Street: Hampton Avenue

E/W Street: Sunshine Street

AM Count

Observer: JO

Date: 10/13/2022

	EB		WB		NB			SB		
Time	L	R	L	R	L	T	R	L	T	R
7:00-7:15	0	3	0	1	0	0	5	1	0	0
7:15-7:30	1	4	1	0	1	0	3	0	0	1
7:30-7:45	0	6	1	1	2	0	0	1	0	1
7:45-8:00	0	2	0	0	1	0	3	0	0	0
8:00-8:15	1	6	1	0	1	0	1	0	0	1
8:15-8:30	0	3	0	0	0	0	1	1	0	0
8:30-8:45	1	3	0	1	0	0	1	0	0	0
8:45-9:00	0	0	0	2	0	0	0	0	0	0
Peak Hour	2	18	3	1	5	0	7	1	0	3
PHF	0.50	0.75	0.75	0.25	0.63	#DIV/0!	0.58	0.25	#DIV/0!	0.75

Intersection: Sunshine Street & Hampton Avenue

N/S Street: Hampton Avenue

E/W Street: Sunshine Street

AM Count

Observer: JO

Date: 10/13/2022

Time	EB		WB		NB			SB		
	L	R	L	R	L	T	R	L	T	R
4:00-4:15	0	3	1	2	1	0	3	1	0	1
4:15-4:30	0	5	0	2	0	0	4	0	0	2
4:30-4:45	2	4	2	2	1	0	4	0	0	0
4:45-5:00	1	5	2	0	2	0	0	0	1	2
5:00-5:15	2	3	0	2	1	0	1	0	0	1
5:15-5:30	2	3	1	2	1	0	2	0	0	2
5:30-5:45	0	6	2	2	3	0	5	1	1	2
5:45-6:00	0	2	1	1	0	0	3	0	0	1
Peak Hour	5	17	5	6	7	0	8	1	2	7
PHF	0.63	0.71	0.63	0.75	0.58	#DIV/0!	0.40	0.25	0.50	0.88

Lanes, Volumes, Timings
1: Florence Ave & Sunshine

AM Peak
10/20/2022

	→	↘	↙	←	↖	↗
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑↘		↙	↑↑	↖↗	
Traffic Volume (vph)	1225	0	0	729	2	1
Future Volume (vph)	1225	0	0	729	2	1
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Grade (%)	-1%			0%	0%	
Storage Length (ft)		0	40		0	0
Storage Lanes		0	1		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	0.95	0.95	1.00	0.95	1.00	1.00
Frt					0.955	
Flt Protected					0.968	
Satd. Flow (prot)	3557	0	1863	3539	1722	0
Flt Permitted					0.968	
Satd. Flow (perm)	3557	0	1863	3539	1722	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	366			360	413	
Travel Time (s)	6.2			6.1	11.3	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	1332	0	0	792	2	1
Shared Lane Traffic (%)						
Lane Group Flow (vph)	1332	0	0	792	3	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	22			22	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane	Yes					
Headway Factor	0.99	0.99	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	43.9%			ICU Level of Service A		
Analysis Period (min)	15					

Lanes, Volumes, Timings

3: Sunshine

AM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	2	1217	18	3	727	1	5	0	7	1	0	3
Future Volume (vph)	2	1217	18	3	727	1	5	0	7	1	0	3
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-1%			0%			0%			0%	
Storage Length (ft)	30		0	0		0	0		0	0		0
Storage Lanes	0		0	0		0	0		0	0		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	0.95	0.95	0.95	0.95	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.998						0.917			0.899	
Flt Protected								0.981			0.988	
Satd. Flow (prot)	0	3550	0	0	3539	0	0	1676	0	0	1655	0
Flt Permitted								0.981			0.988	
Satd. Flow (perm)	0	3550	0	0	3539	0	0	1676	0	0	1655	0
Link Speed (mph)		40			40			30			30	
Link Distance (ft)		274			366			302			331	
Travel Time (s)		4.7			6.2			6.9			7.5	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	2	1323	20	3	790	1	5	0	8	1	0	3
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	1345	0	0	794	0	0	13	0	0	4	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane		Yes			Yes							
Headway Factor	0.99	0.99	0.99	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	45.6%						ICU Level of Service A					
Analysis Period (min)	15											

Lanes, Volumes, Timings
5: National & University St

AM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	2	0	4	1	0	7	4	1494	3	2	948	3
Future Volume (vph)	2	0	4	1	0	7	4	1494	3	2	948	3
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			-1%	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt		0.910			0.880							
Flt Protected		0.984			0.994							
Satd. Flow (prot)	0	1668	0	0	1629	0	0	3539	0	0	3557	0
Flt Permitted		0.984			0.994							
Satd. Flow (perm)	0	1668	0	0	1629	0	0	3539	0	0	3557	0
Link Speed (mph)		30			30			35			35	
Link Distance (ft)		473			616			586			2041	
Travel Time (s)		10.8			14.0			11.4			39.8	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	2	0	4	1	0	8	4	1624	3	2	1030	3
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	6	0	0	9	0	0	1631	0	0	1035	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			22			22	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane								Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.99	0.99	0.99
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Stop			Stop			Free			Free	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	54.2%											
Analysis Period (min)	15											
	ICU Level of Service A											

Lanes, Volumes, Timings
26: National & Sunshine

AM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	192	857	177	143	512	176	100	1133	177	169	667	117
Future Volume (vph)	192	857	177	143	512	176	100	1133	177	169	667	117
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	11	11	11	11	11	15	11	11	16	11	11	16
Grade (%)		-1%			-1%			-3%			-1%	
Storage Length (ft)	150		130	300		150	280		290	150		0
Storage Lanes	2		1	2		1	2		1	2		0
Taper Length (ft)	150			150			200			100		
Lane Util. Factor	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	0.95
Frt			0.850			0.850			0.850		0.979	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3335	3438	1538	3335	3438	1750	3368	3473	1821	3335	3366	0
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3335	3438	1538	3335	3438	1750	3368	3473	1821	3335	3366	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			200			200			193		16	
Link Speed (mph)		40			40			35			35	
Link Distance (ft)		360			1489			912			586	
Travel Time (s)		6.1			25.4			17.8			11.4	
Peak Hour Factor	0.91	0.87	0.89	0.83	0.83	0.81	0.96	0.85	0.78	0.78	0.82	0.86
Adj. Flow (vph)	211	985	199	172	617	217	104	1333	227	217	813	136
Shared Lane Traffic (%)												
Lane Group Flow (vph)	211	985	199	172	617	217	104	1333	227	217	949	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		22			22			22			22	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												Yes
Headway Factor	1.04	1.04	1.04	1.04	1.04	0.88	1.02	1.02	0.83	1.04	1.04	0.84
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1	0	1	1	0	1	1	0	1	1	
Detector Template	30 ft	30 ft		30 ft	30 ft		30 ft	30 ft		30 ft	30 ft	
Leading Detector (ft)	32	32	0	32	32	0	32	32	0	32	32	
Trailing Detector (ft)	2	2	0	2	2	0	2	2	0	2	2	
Detector 1 Position(ft)	2	2	0	2	2	0	2	2	0	2	2	
Detector 1 Size(ft)	30	30	20	30	30	20	30	30	20	30	30	
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	
Protected Phases	3	8		7	4		5	2		1	6	
Permitted Phases			8			4			2			
Detector Phase	3	8	8	7	4	4	5	2	2	1	6	
Switch Phase												
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	10.0	5.0	10.0	10.0	5.0	10.0	

7:00 am Baseline
Existing

Synchro 10 Report
Page 4

Lanes, Volumes, Timings
26: National & Sunshine

AM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Split (s)	11.4	31.4	31.4	11.4	27.4	27.4	11.8	28.8	28.8	11.8	34.8	
Total Split (s)	22.0	47.0	47.0	14.0	39.0	39.0	14.0	54.0	54.0	15.0	55.0	
Total Split (%)	16.9%	36.2%	36.2%	10.8%	30.0%	30.0%	10.8%	41.5%	41.5%	11.5%	42.3%	
Maximum Green (s)	15.6	40.6	40.6	7.6	32.6	32.6	7.2	47.2	47.2	8.2	48.2	
Yellow Time (s)	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.4	2.4	2.4	2.4	2.4	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Lost Time (s)	6.4	6.4	6.4	6.4	6.4	6.4	6.8	6.8	6.8	6.8	6.8	
Lead/Lag	Lead	Lead	Lead	Lag	Lag	Lag	Lead	Lead	Lead	Lag	Lag	
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Vehicle Extension (s)	2.0	3.0	3.0	2.0	3.0	3.0	2.0	3.0	3.0	2.0	3.0	
Minimum Gap (s)	0.5	3.0	3.0	0.5	3.0	3.0	0.5	3.0	3.0	0.5	3.0	
Time Before Reduce (s)	5.0	0.0	0.0	5.0	0.0	0.0	5.0	0.0	0.0	5.0	0.0	
Time To Reduce (s)	1.5	0.0	0.0	1.5	0.0	0.0	1.5	0.0	0.0	1.5	0.0	
Recall Mode	None	None	None	None	None	None	None	C-Max	C-Max	None	C-Max	
Walk Time (s)		4.0	4.0		4.0	4.0		4.0	4.0		4.0	
Flash Dont Walk (s)		21.0	21.0		17.0	17.0		18.0	18.0		24.0	
Pedestrian Calls (#/hr)		0	0		0	0		0	0		0	
Act Effect Green (s)	12.4	39.8	39.8	7.8	35.2	35.2	6.9	47.7	47.7	8.2	49.0	
Actuated g/C Ratio	0.10	0.31	0.31	0.06	0.27	0.27	0.05	0.37	0.37	0.06	0.38	
v/c Ratio	0.66	0.94	0.33	0.86	0.66	0.35	0.58	1.05	0.29	1.03	0.74	
Control Delay	66.8	60.0	5.8	95.7	46.5	8.3	73.4	78.2	7.0	129.6	38.9	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	66.8	60.0	5.8	95.7	46.5	8.3	73.4	78.2	7.0	129.6	38.9	
LOS	E	E	A	F	D	A	E	E	A	F	D	
Approach Delay		53.3			46.7			68.2			55.8	
Approach LOS		D			D			E			E	

Intersection Summary

Area Type: Other

Cycle Length: 130

Actuated Cycle Length: 130

Offset: 55 (42%), Referenced to phase 2:NBT and 6:SBT, Start of Yellow

Natural Cycle: 140

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 1.05

Intersection Signal Delay: 57.3

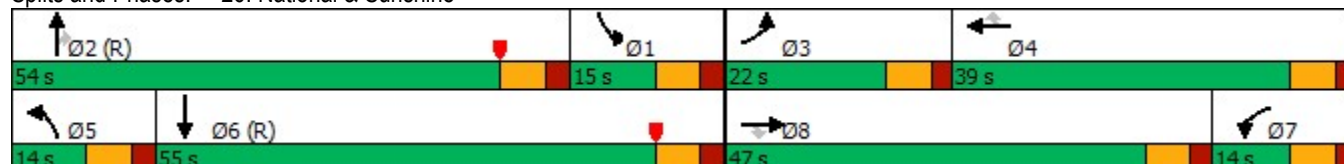
Intersection LOS: E

Intersection Capacity Utilization 86.0%

ICU Level of Service E

Analysis Period (min) 15

Splits and Phases: 26: National & Sunshine



7:00 am Baseline
Existing

Synchro 10 Report
Page 5

Lanes, Volumes, Timings
1: Florence Ave & Sunshine

PM Peak
10/20/2022

	→	↘	↙	←	↖	↗
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑↱		↱	↑↑	↱	
Traffic Volume (vph)	1187	1	3	1408	1	3
Future Volume (vph)	1187	1	3	1408	1	3
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Grade (%)	-1%			0%	0%	
Storage Length (ft)		0	40		0	0
Storage Lanes		0	1		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	0.95	0.95	1.00	0.95	1.00	1.00
Frt					0.899	
Flt Protected			0.950		0.988	
Satd. Flow (prot)	3557	0	1770	3539	1655	0
Flt Permitted			0.950		0.988	
Satd. Flow (perm)	3557	0	1770	3539	1655	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	362			358	404	
Travel Time (s)	6.2			6.1	11.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	1290	1	3	1530	1	3
Shared Lane Traffic (%)						
Lane Group Flow (vph)	1291	0	3	1530	4	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	22			22	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane	Yes					
Headway Factor	0.99	0.99	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	48.9%			ICU Level of Service A		
Analysis Period (min)	15					

Lanes, Volumes, Timings
3: National & University St

PM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	0	3	0	0	6	1	1354	9	8	1431	2
Future Volume (vph)	0	0	3	0	0	6	1	1354	9	8	1431	2
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			-1%	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt		0.865			0.865			0.999				
Flt Protected												
Satd. Flow (prot)	0	1611	0	0	1611	0	0	3536	0	0	3557	0
Flt Permitted												
Satd. Flow (perm)	0	1611	0	0	1611	0	0	3536	0	0	3557	0
Link Speed (mph)		30			30			35			35	
Link Distance (ft)		308			562			509			2118	
Travel Time (s)		7.0			12.8			9.9			41.3	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	3	0	0	7	1	1472	10	9	1555	2
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	3	0	0	7	0	0	1483	0	0	1566	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			22			22	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane								Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.99	0.99	0.99
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Stop			Stop			Free			Free	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	55.2%					ICU Level of Service B						
Analysis Period (min)	15											

Lanes, Volumes, Timings
7: Sunshine

PM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	5	1179	17	5	1398	6	7	0	8	1	2	7
Future Volume (vph)	5	1179	17	5	1398	6	7	0	8	1	2	7
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-1%			0%			0%			0%	
Lane Util. Factor	0.95	0.95	0.95	0.95	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.998			0.999			0.929			0.902	
Flt Protected								0.977			0.995	
Satd. Flow (prot)	0	3550	0	0	3536	0	0	1691	0	0	1672	0
Flt Permitted								0.977			0.995	
Satd. Flow (perm)	0	3550	0	0	3536	0	0	1691	0	0	1672	0
Link Speed (mph)		40			40			30			30	
Link Distance (ft)		2366			362			400			302	
Travel Time (s)		40.3			6.2			9.1			6.9	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	5	1282	18	5	1520	7	8	0	9	1	2	8
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	1305	0	0	1532	0	0	17	0	0	11	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane		Yes			Yes							
Headway Factor	0.99	0.99	0.99	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	52.3%											
Analysis Period (min)	15											
	ICU Level of Service A											

Lanes, Volumes, Timings
26: National & Sunshine

PM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	188	787	215	233	1004	213	234	963	167	201	1060	173
Future Volume (vph)	188	787	215	233	1004	213	234	963	167	201	1060	173
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	11	11	11	11	11	15	11	11	16	11	11	16
Grade (%)		-1%			-1%			-3%			-1%	
Storage Length (ft)	150		130	300		150	280		290	150		0
Storage Lanes	2		1	2		1	2		1	2		0
Taper Length (ft)	150			150			200			100		
Lane Util. Factor	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	0.95
Frt			0.850			0.850			0.850		0.977	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3335	3438	1538	3335	3438	1750	3368	3473	1821	3335	3359	0
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3335	3438	1538	3335	3438	1750	3368	3473	1821	3335	3359	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			146			124			167		15	
Link Speed (mph)		40			40			35			35	
Link Distance (ft)		358			1489			874			509	
Travel Time (s)		6.1			25.4			17.0			9.9	
Peak Hour Factor	0.84	0.89	0.71	0.86	0.89	0.85	0.85	0.91	0.91	0.75	0.93	0.85
Adj. Flow (vph)	224	884	303	271	1128	251	275	1058	184	268	1140	204
Shared Lane Traffic (%)												
Lane Group Flow (vph)	224	884	303	271	1128	251	275	1058	184	268	1344	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		22			22			22			22	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												Yes
Headway Factor	1.04	1.04	1.04	1.04	1.04	0.88	1.02	1.02	0.83	1.04	1.04	0.84
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1	0	1	1	0	1	1	0	1	1	
Detector Template	30 ft	30 ft		30 ft	30 ft		30 ft	30 ft		30 ft	30 ft	
Leading Detector (ft)	32	32	0	32	32	0	32	32	0	32	32	
Trailing Detector (ft)	2	2	0	2	2	0	2	2	0	2	2	
Detector 1 Position(ft)	2	2	0	2	2	0	2	2	0	2	2	
Detector 1 Size(ft)	30	30	20	30	30	20	30	30	20	30	30	
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	
Protected Phases	3	8		7	4		5	2		1	6	
Permitted Phases			8			4			2			
Detector Phase	3	8	8	7	4	4	5	2	2	1	6	
Switch Phase												
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	10.0	5.0	10.0	10.0	5.0	10.0	

2:30 pm Baseline
Existing

Synchro 10 Report
Page 4

Lanes, Volumes, Timings
26: National & Sunshine

PM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Split (s)	11.4	31.4	31.4	11.4	27.4	27.4	11.8	28.8	28.8	11.8	34.8	
Total Split (s)	14.0	57.0	57.0	17.0	60.0	60.0	19.0	54.0	54.0	22.0	57.0	
Total Split (%)	9.3%	38.0%	38.0%	11.3%	40.0%	40.0%	12.7%	36.0%	36.0%	14.7%	38.0%	
Maximum Green (s)	7.6	50.6	50.6	10.6	53.6	53.6	12.2	47.2	47.2	15.2	50.2	
Yellow Time (s)	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.4	2.4	2.4	2.4	2.4	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Lost Time (s)	6.4	6.4	6.4	6.4	6.4	6.4	6.8	6.8	6.8	6.8	6.8	
Lead/Lag	Lead	Lead	Lead	Lag	Lag	Lag	Lead	Lag	Lag	Lead	Lag	
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Vehicle Extension (s)	2.0	3.0	3.0	2.0	3.0	3.0	2.0	3.0	3.0	2.0	3.0	
Minimum Gap (s)	0.5	3.0	3.0	0.5	3.0	3.0	0.5	3.0	3.0	0.5	3.0	
Time Before Reduce (s)	5.0	0.0	0.0	5.0	0.0	0.0	5.0	0.0	0.0	5.0	0.0	
Time To Reduce (s)	1.5	0.0	0.0	1.5	0.0	0.0	1.5	0.0	0.0	1.5	0.0	
Recall Mode	None	None	None	None	None	None	None	C-Max	C-Max	None	C-Max	
Walk Time (s)		4.0	4.0		4.0	4.0		4.0	4.0		4.0	
Flash Dont Walk (s)		21.0	21.0		17.0	17.0		18.0	18.0		24.0	
Pedestrian Calls (#/hr)		0	0		0	0		0	0		0	
Act Effect Green (s)	7.6	44.9	44.9	16.1	53.4	53.4	12.4	48.1	48.1	14.5	50.2	
Actuated g/C Ratio	0.05	0.30	0.30	0.11	0.36	0.36	0.08	0.32	0.32	0.10	0.33	
v/c Ratio	1.33	0.86	0.54	0.76	0.92	0.36	0.99	0.95	0.26	0.83	1.19	
Control Delay	235.7	58.6	24.9	78.5	59.3	18.9	118.2	67.2	7.8	87.7	135.4	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	235.7	58.6	24.9	78.5	59.3	18.9	118.2	67.2	7.8	87.7	135.4	
LOS	F	E	C	E	E	B	F	E	A	F	F	
Approach Delay		79.5			56.3			69.2			127.5	
Approach LOS		E			E			E			F	

Intersection Summary

Area Type: Other

Cycle Length: 150

Actuated Cycle Length: 150

Offset: 140 (93%), Referenced to phase 2:NBT and 6:SBT, Start of Yellow

Natural Cycle: 140

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 1.33

Intersection Signal Delay: 83.3

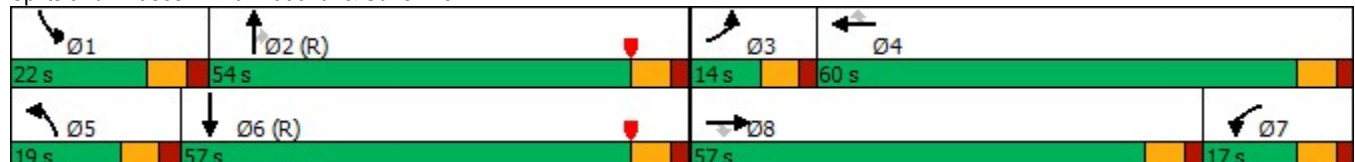
Intersection LOS: F

Intersection Capacity Utilization 96.6%

ICU Level of Service F

Analysis Period (min) 15

Splits and Phases: 26: National & Sunshine



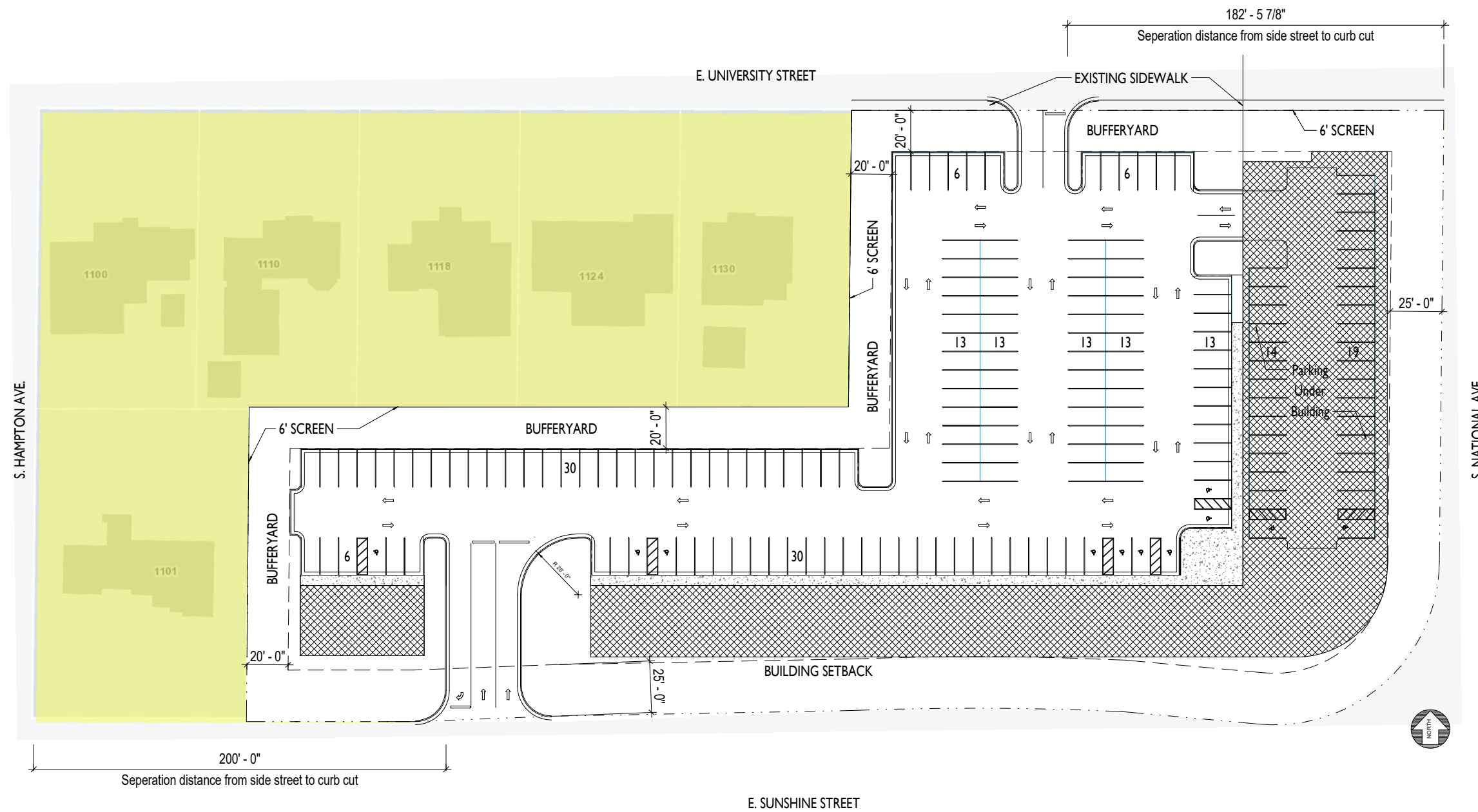
2:30 pm Baseline
Existing

Synchro 10 Report
Page 5

APPENDIX II – 2023 PROJECTED TRAFFIC

PREPARED BY:

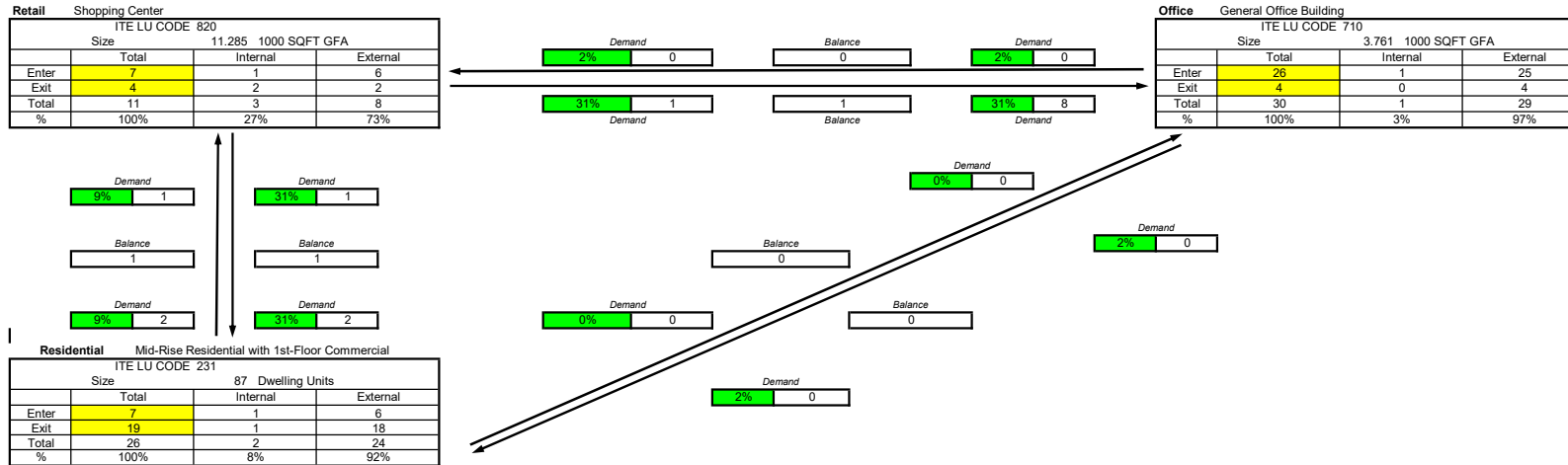




First Floor Retail	22,224 S.F.	88 parking stalls required
First Floor Business offices	7,408 S.F.	22 parking stalls required
Second Floor Apartments	22 units	22 parking stalls required
Third Floor Apartments	22 units	22 parking stalls required
Fourth Floor Apartments	22 units	22 parking stalls required
176 parking required, 176 provided		

TRIP GENERATION															
LAND USE	ITE CODE	Size	Variable	24-Hour Trip Generation	24-Hour Rate	AM PEAK HOUR	AM % IN	AM % OUT	WEEKDAY AM PEAK		PM PEAK HOUR	PM % IN	PM % OUT	WEEKDAY PM PEAK	
									ENTER	EXIT				ENTER	EXIT
Trip Generation															
Shopping Center	820	11.285	1000 SQFT GFA	37.75	426	0.94	62%	38%	7	4	=e*(0.74*LN(X)+2.89)	48%	52%	52	56
General Office Building	710	3.761	1000 SQFT GFA	=e*(0.97*LN(X)+2.5)	44	=0.94(X)+26.49	86%	14%	26	4	1.15	16%	84%	1	4
Mid-Rise Residential with 1st-Floor Commercial	231	87	Dwelling Units	3.44	299	0.30	28%	72%	7	19	0.36	70%	30%	22	9
Total New Trips					769		Total New Trips		40	27		Total New Trips		75	69

**A.M. PEAK HOUR TRIP GENERATION
AND INTERNAL TRIP CAPTURE SUMMARY
COMMERCIAL DEVELOPMENT PHASE I**



NET EXTERNAL TRIPS for MULTI-Use Development

	Shopping Center	Mid-Rise Residential with 1st-Floor Commercial	General Office Building	TOTAL	
Enter	6	6	25	37	
Exit	2	18	4	24	
Total	8	24	29	61	Internal Capture
Single-USE Trip Generation	11	26	30	67	9%

UTILIZED INTERNAL CAPTURE TRIPS for MULTI-Use Development AM Peak

Land Use ITE CODE Table/Fig.	Shopping Center 820	Mid-Rise Residential with 1st-Floor Commercial 231	General Office Building 710	TOTAL
UTILIZED INTERNAL CAPTURE	10%	10%	10%	
Enter	6	6	23	36
Exit	4	17	4	24
Total	10	23	27	60

CALCULATED PASS-BY / DIVERTED LINK TRIPS for MULTI-Use Development AM Peak

Land Use ITE CODE Table/Fig. Avg. Percentage	Shopping Center 820 5.6 34%	Mid-Rise Residential with 1st-Floor Commercial 231 0%	General Office Building 710 0%	TOTAL
Enter	2	0	0	2
Exit	1	0	0	1
Total	3	0	0	3

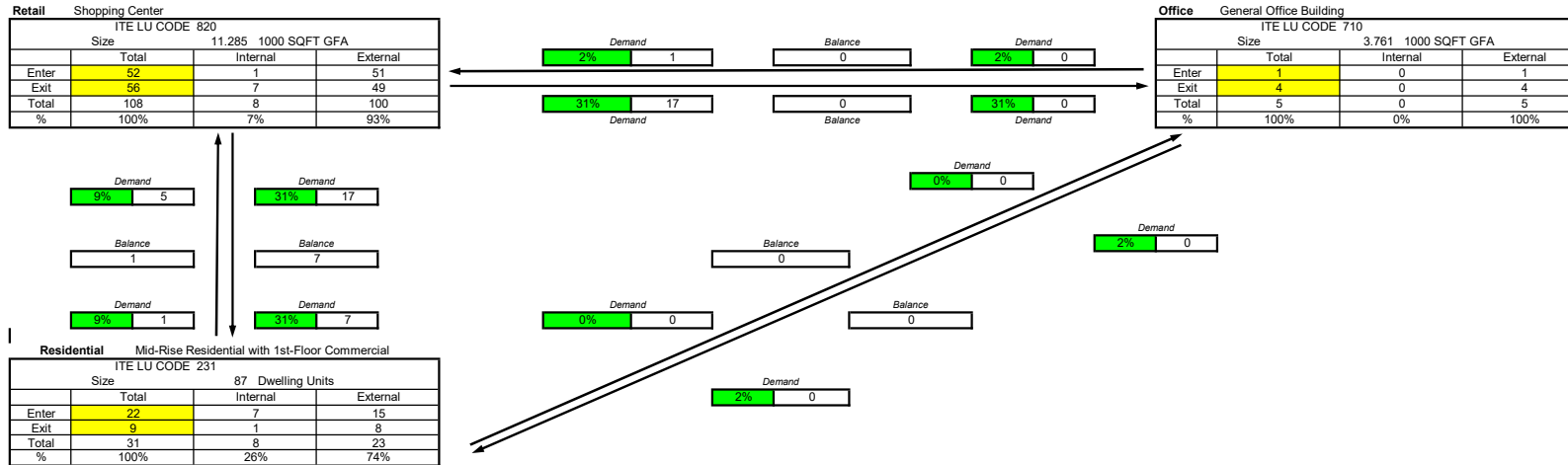
UTILIZED PASS-BY / DIVERTED LINK TRIPS for MULTI-Use Development AM Peak

Land Use ITE CODE	Shopping Center 820	Mid-Rise Residential with 1st-Floor Commercial 231	General Office Building 710	TOTAL
Enter	1	0	0	1
Exit	1	0	0	1
Total	2	0	0	2

UTILIZED NEW TRIPS for MULTI-Use Development (INTERNAL CAPTURE AND PASS-BY ACCOUNTED FOR) AM Peak

Land Use ITE CODE	Shopping Center 820	Mid-Rise Residential with 1st-Floor Commercial 231	General Office Building 710	TOTAL
Enter	5	6	23	35
Exit	2	17	4	23
Total	7	23	27	57

**P.M. PEAK HOUR TRIP GENERATION
AND INTERNAL TRIP CAPTURE SUMMARY
COMMERCIAL DEVELOPMENT PHASE I**



NET EXTERNAL TRIPS for MULTI-Use Development

	Shopping Center	Mid-Rise Residential with 1st-Floor Commercial	General Office Building	TOTAL	
Enter	51	15	1	67	
Exit	49	8	4	61	
Total	100	23	5	128	Internal Capture
Single-USE Trip Generation	108	31	5	144	11%

UTILIZED INTERNAL CAPTURE TRIPS for MULTI-Use Development PM Peak

Land Use ITE CODE Table/Fig.	Shopping Center 820	Mid-Rise Residential with 1st-Floor Commercial 231	General Office Building 710	TOTAL
UTILIZED INTERNAL CAPTURE	10%	10%	10%	
Enter	47	20	1	68
Exit	50	8	4	62
Total	97	28	5	130

CALCULATED PASS-BY / DIVERTED LINK TRIPS for MULTI-Use Development PM Peak

Land Use ITE CODE Table/Fig.	Shopping Center 820	Mid-Rise Residential with 1st-Floor Commercial 231	General Office Building 710	TOTAL
Avg. Percentage	5.6	0%	0%	
Enter	16	0	0	16
Exit	17	0	0	17
Total	33	0	0	33

UTILIZED PASS-BY / DIVERTED LINK TRIPS for MULTI-Use Development PM Peak

Land Use ITE CODE	Shopping Center 820	Mid-Rise Residential with 1st-Floor Commercial 231	General Office Building 710	TOTAL
Enter	16	0	0	16
Exit	16	0	0	16
Total	32	0	0	32

UTILIZED NEW TRIPS for MULTI-Use Development (INTERNAL CAPTURE AND PASS-BY ACCOUNTED FOR) PM Peak

Land Use ITE CODE	Shopping Center 820	Mid-Rise Residential with 1st-Floor Commercial 231	General Office Building 710	TOTAL
Enter	31	20	1	52
Exit	34	8	4	46
Total	65	28	5	98

AM Peak Hour Calculation

N/S Street Access P2
E/W Street University Street
Growth Rate (GR) 2.00%
Years (n) 2

New Trips		Pass-By	
In	35	In	1
Out	23	Out	1

NEW TRIPS				PASSBY			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)
Existing Traffic	Growth factor	Traffic	Dist.	Existing Traffic	Growth factor	Traffic	Dist.
(1+GR) ⁿ				(1+GR) ⁿ			
Turn Movement				Turn Movement			
NBL	4	1.04	0	NBL	4	1.04	0
NBT	6	1.04	6	NBT	6	1.04	6
EBT	0	1.04	0	EBT	0	1.04	0
WBL	0	1.04	0	WBL	0	1.04	0
WBT	7	1.04	3	WBT	7	1.04	3

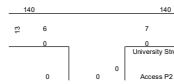
Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.
(Exhibit 3)	IN	(Exhibit 3)	OUT	(Exhibit 3)	IN	(Exhibit 3)	OUT
21%	35	59%	23	53%	1		

NEW TRIPS		PASSBY	
In	35	In	1
Out	23	Out	1

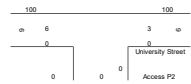
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)
Existing Traffic	Growth factor	Traffic	Dist.	Existing Traffic	Growth factor	Traffic	Dist.
(1+GR) ⁿ				(1+GR) ⁿ			
Turn Movement				Turn Movement			
NBL	4	1.04	0	NBL	4	1.04	0
NBT	6	1.04	6	NBT	6	1.04	6
EBT	0	1.04	0	EBT	0	1.04	0
WBL	0	1.04	0	WBL	0	1.04	0
WBT	7	1.04	3	WBT	7	1.04	3

Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.
(Exhibit 3)	IN	(Exhibit 3)	OUT	(Exhibit 3)	IN	(Exhibit 3)	OUT
21%	35	59%	23	53%	1		

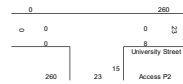
Existing Traffic



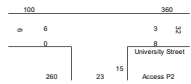
Existing Traffic Projected to Construction Year



Site Traffic Assigned for Construction Year



Projected Full Buildout Traffic



N/S Street National Avenue
E/W Street University Street
Growth Rate (GR) 2.00%
Years (n) 2

New Trips		Pass-By	
In	35	In	1
Out	23	Out	1

NEW TRIPS				PASSBY			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)
Existing Traffic	Growth factor	Traffic	Dist.	Existing Traffic	Growth factor	Traffic	Dist.
(1+GR) ⁿ				(1+GR) ⁿ			
Turn Movement				Turn Movement			
NBL	4	1.04	0	NBL	4	1.04	0
NBT	1494	1.04	1559	NBT	1494	1.04	1559
NBR	3	1.04	3	NBR	3	1.04	3
SBL	2	1.04	2	SBL	2	1.04	2
SBT	948	1.04	987	SBT	948	1.04	987
SSR	3	1.04	3	SSR	3	1.04	3
ESR	4	1.04	6	ESR	4	1.04	6
WBL	1	1.04	1	WBL	1	1.04	1
WBR	7	1.04	7	WBR	7	1.04	7

Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.
(Exhibit 3)	IN	(Exhibit 3)	OUT	(Exhibit 3)	IN	(Exhibit 3)	OUT
21%	35	53%	1	53%	1	81%	1

NEW TRIPS		PASSBY	
In	35	In	1
Out	23	Out	1

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)
Existing Traffic	Growth factor	Traffic	Dist.	Existing Traffic	Growth factor	Traffic	Dist.
(1+GR) ⁿ				(1+GR) ⁿ			
Turn Movement				Turn Movement			
NBL	4	1.04	0	NBL	4	1.04	0
NBT	1494	1.04	1559	NBT	1494	1.04	1559
NBR	3	1.04	3	NBR	3	1.04	3
SBL	2	1.04	2	SBL	2	1.04	2
SBT	948	1.04	987	SBT	948	1.04	987
SSR	3	1.04	3	SSR	3	1.04	3
ESR	4	1.04	6	ESR	4	1.04	6
WBL	1	1.04	1	WBL	1	1.04	1
WBR	7	1.04	7	WBR	7	1.04	7

Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.
(Exhibit 3)	IN	(Exhibit 3)	OUT	(Exhibit 3)	IN	(Exhibit 3)	OUT
21%	35	53%	1	53%	1	81%	1

Existing Traffic



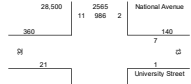
Existing Traffic Projected to Construction Year



Site Traffic Assigned for Construction Year



Projected Full Buildout Traffic



N/S Street National Avenue
E/W Street Sunshine Street
Growth Rate (GR) 2.00%
Years (n) 2

New Trips		Pass-By	
In	35	In	1
Out	23	Out	1

NEW TRIPS				PASSBY			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)
Existing Traffic	Growth factor	Traffic	Dist.	Existing Traffic	Growth factor	Traffic	Dist.
(1+GR) ⁿ				(1+GR) ⁿ			
Turn Movement				Turn Movement			
NBL	100	1.04	104	NBL	100	1.04	104
NBT	1133	1.04	1179	NBT	1133	1.04	1179
NBR	177	1.04	184	NBR	177	1.04	184
SBL	169	1.04	177	SBL	169	1.04	177
SBT	687	1.04	695	SBT	687	1.04	695
SSR	117	1.04	122	SSR	117	1.04	122
ESL	102	1.04	106	ESL	102	1.04	106
EBT	857	1.04	882	EBT	857	1.04	882
WBL	143	1.04	148	WBL	143	1.04	148
WBT	112	1.04	116	WBT	112	1.04	116
WBR	176	1.04	183	WBR	176	1.04	183

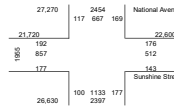
Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.
(Exhibit 3)	IN	(Exhibit 3)	OUT	(Exhibit 3)	IN	(Exhibit 3)	OUT
32%	35	27%	23	32%	23	28%	1

NEW TRIPS		PASSBY	
In	35	In	1
Out	23	Out	1

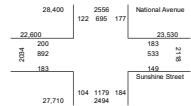
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)
Existing Traffic	Growth factor	Traffic	Dist.	Existing Traffic	Growth factor	Traffic	Dist.
(1+GR) ⁿ				(1+GR) ⁿ			
Turn Movement				Turn Movement			
NBL	100	1.04	104	NBL	100	1.04	104
NBT	1133	1.04	1179	NBT	1133	1.04	1179
NBR	177	1.04	184	NBR	177	1.04	184
SBL	169	1.04	177	SBL	169	1.04	177
SBT	687	1.04	695	SBT	687	1.04	695
SSR	117	1.04	122	SSR	117	1.04	122
ESL	102	1.04	106	ESL	102	1.04	106
EBT	857	1.04	882	EBT	857	1.04	882
WBL	143	1.04	148	WBL	143	1.04	148
WBT	112	1.04	116	WBT	112	1.04	116
WBR	176	1.04	183	WBR	176	1.04	183

Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.
(Exhibit 3)	IN	(Exhibit 3)	OUT	(Exhibit 3)	IN	(Exhibit 3)	OUT
32%	35	27%	23	32%	23	28%	1

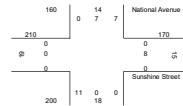
Existing Traffic



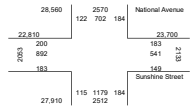
Existing Traffic Projected to Construction Year



Site Traffic Assigned for Construction Year



Projected Full Buildout Traffic



N/S Street Florence Avenue
E/W Street Sunshine Street
Growth Rate (GR) 2.00%
Years (n) 2

New Trips		Pass-By	
In	35	In	1
Out	23	Out	1

NEW TRIPS				PASSBY			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)
Existing Traffic	Growth factor	Traffic	Dist.	Existing Traffic	Growth factor	Traffic	Dist.
(1+GR) ⁿ				(1+GR) ⁿ			
Turn Movement				Turn Movement			
NBL	2	1.04	2	NBL	2	1.04	2
NBT	1	1.04	1	NBT	1	1.04	1
EBT	1225	1.04	1274	EBT	1225	1.04	1274
ESL	0	1.04	0	ESL	0	1.04	0
WBL	729	1.04	759	WBL	729	1.04	759

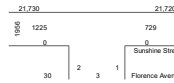
Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.
(Exhibit 3)	IN	(Exhibit 3)	OUT	(Exhibit 3)	IN	(Exhibit 3)	OUT
51%	35	28%	1	28%	1	19%	1

NEW TRIPS		PASSBY	
In	35	In	1
Out	23	Out	1

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)	(1) x (2)
Existing Traffic	Growth factor	Traffic	Dist.	Existing Traffic	Growth factor	Traffic	Dist.
(1+GR) ⁿ				(1+GR) ⁿ			
Turn Movement				Turn Movement			
NBL	2	1.04	2	NBL	2	1.04	2
NBT	1	1.04	1	NBT	1	1.04	1
EBT	1225	1.04	1274	EBT	1225	1.04	1274
ESL	0	1.04	0	ESL	0	1.04	0
WBL	729	1.04	759	WBL	729	1.04	759

Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.	Dist.
(Exhibit 3)	IN	(Exhibit 3)	OUT	(Exhibit 3)	IN	(Exhibit 3)	OUT
51%	35	28%	1	28%	1	19%	1

Existing Traffic



Existing Traffic Projected to Construction Year



Site Traffic Assigned for Construction Year



Projected Full Buildout Traffic



N/S Street Access P1
E/W Street Sunshine Street
Growth Rate (GR) 2.00%
Years (n) 2

||
||
||

Lanes, Volumes, Timings
1: Florence Ave & Sunshine

AM Peak
10/20/2022

	→	↘	↙	←	↖	↗
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑↱		↱	↑↑	↱	
Traffic Volume (vph)	1274	0	0	778	2	1
Future Volume (vph)	1274	0	0	778	2	1
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Grade (%)	-1%			0%	0%	
Storage Length (ft)		0	40		0	0
Storage Lanes		0	1		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	0.95	0.95	1.00	0.95	1.00	1.00
Frt					0.955	
Flt Protected					0.968	
Satd. Flow (prot)	3557	0	1863	3539	1722	0
Flt Permitted					0.968	
Satd. Flow (perm)	3557	0	1863	3539	1722	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	198			360	413	
Travel Time (s)	3.4			6.1	11.3	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	1385	0	0	846	2	1
Shared Lane Traffic (%)						
Lane Group Flow (vph)	1385	0	0	846	3	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	22			22	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane	Yes					
Headway Factor	0.99	0.99	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	45.2%			ICU Level of Service A		
Analysis Period (min)	15					

Lanes, Volumes, Timings

3: Sunshine

AM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	2	1278	19	3	765	1	5	0	7	1	0	3
Future Volume (vph)	2	1278	19	3	765	1	5	0	7	1	0	3
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-1%			0%			0%			0%	
Storage Length (ft)	30		0	0		0	0		0	0		0
Storage Lanes	0		0	0		0	0		0	0		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	0.95	0.95	0.95	0.95	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.998						0.917			0.899	
Flt Protected								0.981			0.988	
Satd. Flow (prot)	0	3550	0	0	3539	0	0	1676	0	0	1655	0
Flt Permitted								0.981			0.988	
Satd. Flow (perm)	0	3550	0	0	3539	0	0	1676	0	0	1655	0
Link Speed (mph)		40			40			30			30	
Link Distance (ft)		274			168			302			331	
Travel Time (s)		4.7			2.9			6.9			7.5	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	2	1389	21	3	832	1	5	0	8	1	0	3
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	1412	0	0	836	0	0	13	0	0	4	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane		Yes			Yes							
Headway Factor	0.99	0.99	0.99	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	47.3%						ICU Level of Service A					
Analysis Period (min)	15											

Lanes, Volumes, Timings
5: National & University St

AM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	0	21	7	0	7	0	1559	3	2	986	11
Future Volume (vph)	0	0	21	7	0	7	0	1559	3	2	986	11
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			-1%	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95
Frt			0.865		0.932						0.998	
Flt Protected					0.976							
Satd. Flow (prot)	0	0	1611	0	1694	0	0	3539	0	0	3550	0
Flt Permitted					0.976							
Satd. Flow (perm)	0	0	1611	0	1694	0	0	3539	0	0	3550	0
Link Speed (mph)		30			30			35			35	
Link Distance (ft)		296			616			586			2041	
Travel Time (s)		6.7			14.0			11.4			39.8	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	23	8	0	8	0	1695	3	2	1072	12
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	0	23	0	16	0	0	1698	0	0	1086	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			22			22	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane											Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.99	0.99	0.99
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Stop			Stop			Free			Free	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	53.2%						ICU Level of Service A					
Analysis Period (min)	15											

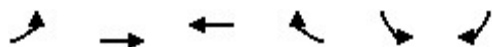
Lanes, Volumes, Timings
10: Access P2 & University St

AM Peak
10/20/2022

	→	↘	↙	←	↖	↗
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↰			↱	↰	↱
Traffic Volume (vph)	6	0	8	3	0	15
Future Volume (vph)	6	0	8	3	0	15
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.865					
Flt Protected	0.964					
Satd. Flow (prot)	1863	0	0	1796	1611	0
Flt Permitted	0.964					
Satd. Flow (perm)	1863	0	0	1796	1611	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	177			296	139	
Travel Time (s)	4.0			6.7	3.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	7	0	9	3	0	16
Shared Lane Traffic (%)						
Lane Group Flow (vph)	7	0	0	12	16	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	0			0	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane						
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	17.2%			ICU Level of Service A		
Analysis Period (min)	15					

Lanes, Volumes, Timings
12: Sunshine & Access P1

AM Peak
10/20/2022



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕↕	↕↕			↗
Traffic Volume (vph)	10	1274	761	19	0	10
Future Volume (vph)	10	1274	761	19	0	10
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Grade (%)		-1%	0%		0%	
Lane Util. Factor	0.95	0.95	0.95	0.95	1.00	1.00
Frt			0.996			0.865
Flt Protected						
Satd. Flow (prot)	0	3557	3525	0	0	1611
Flt Permitted						
Satd. Flow (perm)	0	3557	3525	0	0	1611
Link Speed (mph)		40	40		30	
Link Distance (ft)		168	198		141	
Travel Time (s)		2.9	3.4		3.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	11	1385	827	21	0	11
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	1396	848	0	0	11
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		0	0		0	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	0.99	0.99	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	
Intersection Summary						
Area Type: Other						
Control Type: Unsignalized						
Intersection Capacity Utilization 45.6% ICU Level of Service A						
Analysis Period (min) 15						

Lanes, Volumes, Timings
26: National & Sunshine

AM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	200	892	183	149	541	183	115	1179	184	184	702	122
Future Volume (vph)	200	892	183	149	541	183	115	1179	184	184	702	122
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	11	11	11	11	11	15	11	11	16	11	11	16
Grade (%)		-1%			-1%			-3%			-1%	
Storage Length (ft)	150		130	300		150	280		290	150		0
Storage Lanes	2		1	2		1	2		1	2		0
Taper Length (ft)	150			150			200			100		
Lane Util. Factor	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	0.95
Frt			0.850			0.850			0.850		0.979	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3335	3438	1538	3335	3438	1750	3368	3473	1821	3335	3366	0
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3335	3438	1538	3335	3438	1750	3368	3473	1821	3335	3366	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			200			200			193		16	
Link Speed (mph)		40			40			35			35	
Link Distance (ft)		360			1489			912			586	
Travel Time (s)		6.1			25.4			17.8			11.4	
Peak Hour Factor	0.91	0.87	0.89	0.83	0.83	0.81	0.96	0.85	0.78	0.78	0.82	0.86
Adj. Flow (vph)	220	1025	206	180	652	226	120	1387	236	236	856	142
Shared Lane Traffic (%)												
Lane Group Flow (vph)	220	1025	206	180	652	226	120	1387	236	236	998	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		22			22			22			22	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.04	1.04	1.04	1.04	1.04	0.88	1.02	1.02	0.83	1.04	1.04	0.84
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1	0	1	1	0	1	1	0	1	1	
Detector Template	30 ft	30 ft		30 ft	30 ft		30 ft	30 ft		30 ft	30 ft	
Leading Detector (ft)	32	32	0	32	32	0	32	32	0	32	32	
Trailing Detector (ft)	2	2	0	2	2	0	2	2	0	2	2	
Detector 1 Position(ft)	2	2	0	2	2	0	2	2	0	2	2	
Detector 1 Size(ft)	30	30	20	30	30	20	30	30	20	30	30	
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	
Protected Phases	3	8		7	4		5	2		1	6	
Permitted Phases			8			4			2			
Detector Phase	3	8	8	7	4	4	5	2	2	1	6	
Switch Phase												
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	10.0	5.0	10.0	10.0	5.0	10.0	

7:00 am Baseline
2024 - No Build

Synchro 10 Report
Page 6

Lanes, Volumes, Timings
26: National & Sunshine

AM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Split (s)	11.4	31.4	31.4	11.4	27.4	27.4	11.8	28.8	28.8	11.8	34.8	
Total Split (s)	20.0	45.0	45.0	14.0	39.0	39.0	19.0	52.0	52.0	19.0	52.0	
Total Split (%)	15.4%	34.6%	34.6%	10.8%	30.0%	30.0%	14.6%	40.0%	40.0%	14.6%	40.0%	
Maximum Green (s)	13.6	38.6	38.6	7.6	32.6	32.6	12.2	45.2	45.2	12.2	45.2	
Yellow Time (s)	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.4	2.4	2.4	2.4	2.4	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Lost Time (s)	6.4	6.4	6.4	6.4	6.4	6.4	6.8	6.8	6.8	6.8	6.8	
Lead/Lag	Lead	Lead	Lead	Lag	Lag	Lag	Lead	Lead	Lead	Lag	Lag	
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Vehicle Extension (s)	2.0	3.0	3.0	2.0	3.0	3.0	2.0	3.0	3.0	2.0	3.0	
Minimum Gap (s)	0.5	3.0	3.0	0.5	3.0	3.0	0.5	3.0	3.0	0.5	3.0	
Time Before Reduce (s)	5.0	0.0	0.0	5.0	0.0	0.0	5.0	0.0	0.0	5.0	0.0	
Time To Reduce (s)	1.5	0.0	0.0	1.5	0.0	0.0	1.5	0.0	0.0	1.5	0.0	
Recall Mode	None	None	None	None	None	None	None	C-Max	C-Max	None	C-Max	
Walk Time (s)		4.0	4.0		4.0	4.0		4.0	4.0		4.0	
Flash Dont Walk (s)		21.0	21.0		17.0	17.0		18.0	18.0		24.0	
Pedestrian Calls (#/hr)		0	0		0	0		0	0		0	
Act Effect Green (s)	12.1	38.6	38.6	7.6	34.1	34.1	9.0	45.2	45.2	12.2	48.4	
Actuated g/C Ratio	0.09	0.30	0.30	0.06	0.26	0.26	0.07	0.35	0.35	0.09	0.37	
v/c Ratio	0.71	1.00	0.35	0.93	0.72	0.37	0.52	1.15	0.31	0.76	0.79	
Control Delay	70.1	74.9	6.7	108.7	49.4	9.4	65.9	115.9	8.0	73.4	41.6	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	70.1	74.9	6.7	108.7	49.4	9.4	65.9	115.9	8.0	73.4	41.6	
LOS	E	E	A	F	D	A	E	F	A	E	D	
Approach Delay		64.5			50.9			97.9			47.7	
Approach LOS		E			D			F			D	

Intersection Summary

Area Type: Other

Cycle Length: 130

Actuated Cycle Length: 130

Offset: 55 (42%), Referenced to phase 2:NBT and 6:SBT, Start of Yellow

Natural Cycle: 130

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 1.15

Intersection Signal Delay: 68.7

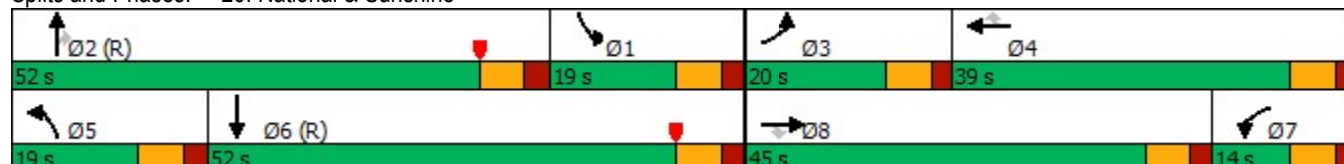
Intersection LOS: E

Intersection Capacity Utilization 88.7%

ICU Level of Service E

Analysis Period (min) 15

Splits and Phases: 26: National & Sunshine



Lanes, Volumes, Timings
1: Florence Ave & Sunshine

PM Peak
10/20/2022

	→	↘	↙	←	↖	↗
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑		↙	↑↑	↘	
Traffic Volume (vph)	1230	1	3	1491	1	4
Future Volume (vph)	1230	1	3	1491	1	4
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Grade (%)	-1%			0%	0%	
Storage Length (ft)		0	40		0	0
Storage Lanes		0	1		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	0.95	0.95	1.00	0.95	1.00	1.00
Frt					0.892	
Flt Protected			0.950		0.990	
Satd. Flow (prot)	3557	0	1770	3539	1645	0
Flt Permitted			0.950		0.990	
Satd. Flow (perm)	3557	0	1770	3539	1645	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	180			358	404	
Travel Time (s)	3.1			6.1	11.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	1337	1	3	1621	1	4
Shared Lane Traffic (%)						
Lane Group Flow (vph)	1338	0	3	1621	5	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	22			22	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane	Yes					
Headway Factor	0.99	0.99	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	51.2%			ICU Level of Service A		
Analysis Period (min)	15					

Lanes, Volumes, Timings
3: National & University St

PM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	0	43	0	0	6	0	1410	9	8	1484	23
Future Volume (vph)	0	0	43	0	0	6	0	1410	9	8	1484	23
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			-1%	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95
Frt			0.865		0.865			0.999			0.998	
Flt Protected												
Satd. Flow (prot)	0	0	1611	0	1611	0	0	3536	0	0	3550	0
Flt Permitted												
Satd. Flow (perm)	0	0	1611	0	1611	0	0	3536	0	0	3550	0
Link Speed (mph)		30			30			35			35	
Link Distance (ft)		254			562			509			2118	
Travel Time (s)		5.8			12.8			9.9			41.3	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	47	0	0	7	0	1533	10	9	1613	25
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	0	47	0	7	0	0	1543	0	0	1647	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			22			22	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane											Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.99	0.99	0.99
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Stop			Stop			Free			Free	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	58.7%					ICU Level of Service B						
Analysis Period (min)	15											

Lanes, Volumes, Timings
7: Sunshine

PM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	5	1238	18	5	1472	6	7	0	8	1	2	7
Future Volume (vph)	5	1238	18	5	1472	6	7	0	8	1	2	7
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-1%			0%			0%			0%	
Lane Util. Factor	0.95	0.95	0.95	0.95	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.998			0.999			0.929			0.902	
Flt Protected								0.977			0.995	
Satd. Flow (prot)	0	3550	0	0	3536	0	0	1691	0	0	1672	0
Flt Permitted								0.977			0.995	
Satd. Flow (perm)	0	3550	0	0	3536	0	0	1691	0	0	1672	0
Link Speed (mph)		40			40			30			30	
Link Distance (ft)		2366			182			400			302	
Travel Time (s)		40.3			3.1			9.1			6.9	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	5	1346	20	5	1600	7	8	0	9	1	2	8
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	1371	0	0	1612	0	0	17	0	0	11	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane		Yes			Yes							
Headway Factor	0.99	0.99	0.99	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	54.4%											
Analysis Period (min)	15											
ICU Level of Service A												

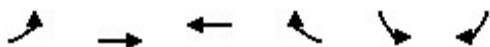
Lanes, Volumes, Timings
10: Access P2 & University St

PM Peak
10/20/2022

						
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	3	0	20	3	0	40
Future Volume (vph)	3	0	20	3	0	40
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.865					
Flt Protected	0.958					
Satd. Flow (prot)	1863	0	0	1785	1611	0
Flt Permitted	0.958					
Satd. Flow (perm)	1863	0	0	1785	1611	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	127			254	146	
Travel Time (s)	2.9			5.8	3.3	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	3	0	22	3	0	43
Shared Lane Traffic (%)						
Lane Group Flow (vph)	3	0	0	25	43	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	0			0	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane						
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	17.9%			ICU Level of Service A		
Analysis Period (min)	15					

Lanes, Volumes, Timings
12: Sunshine & Access P1

PM Peak
10/20/2022



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕↕	↕↕			↗
Traffic Volume (vph)	16	1231	1460	32	0	23
Future Volume (vph)	16	1231	1460	32	0	23
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Grade (%)		-1%	0%		0%	
Lane Util. Factor	0.95	0.95	0.95	0.95	1.00	1.00
Frt			0.997			0.865
Flt Protected		0.999				
Satd. Flow (prot)	0	3553	3529	0	0	1611
Flt Permitted		0.999				
Satd. Flow (perm)	0	3553	3529	0	0	1611
Link Speed (mph)		40	40		30	
Link Distance (ft)		182	180		169	
Travel Time (s)		3.1	3.1		3.8	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	17	1338	1587	35	0	25
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	1355	1622	0	0	25
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		0	0		0	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	0.99	0.99	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other

Control Type: Unsignalized

Intersection Capacity Utilization 51.4% ICU Level of Service A

Analysis Period (min) 15

Lanes, Volumes, Timings
26: National & Sunshine

PM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	195	814	225	242	1058	222	256	1002	174	232	1115	180
Future Volume (vph)	195	814	225	242	1058	222	256	1002	174	232	1115	180
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	11	11	11	11	11	15	11	11	16	11	11	16
Grade (%)		-1%			-1%			-3%			-1%	
Storage Length (ft)	150		130	300		150	280		290	150		0
Storage Lanes	2		1	2		1	2		1	2		0
Taper Length (ft)	150			150			200			100		
Lane Util. Factor	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	0.95
Frt			0.850			0.850			0.850		0.977	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3335	3438	1538	3335	3438	1750	3368	3473	1821	3335	3359	0
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3335	3438	1538	3335	3438	1750	3368	3473	1821	3335	3359	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			135			124			167		15	
Link Speed (mph)		40			40			35			35	
Link Distance (ft)		358			1489			874			509	
Travel Time (s)		6.1			25.4			17.0			9.9	
Peak Hour Factor	0.84	0.89	0.71	0.86	0.89	0.85	0.85	0.91	0.91	0.75	0.93	0.85
Adj. Flow (vph)	232	915	317	281	1189	261	301	1101	191	309	1199	212
Shared Lane Traffic (%)												
Lane Group Flow (vph)	232	915	317	281	1189	261	301	1101	191	309	1411	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		22			22			22			22	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.04	1.04	1.04	1.04	1.04	0.88	1.02	1.02	0.83	1.04	1.04	0.84
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1	0	1	1	0	1	1	0	1	1	
Detector Template	30 ft	30 ft		30 ft	30 ft		30 ft	30 ft		30 ft	30 ft	
Leading Detector (ft)	32	32	0	32	32	0	32	32	0	32	32	
Trailing Detector (ft)	2	2	0	2	2	0	2	2	0	2	2	
Detector 1 Position(ft)	2	2	0	2	2	0	2	2	0	2	2	
Detector 1 Size(ft)	30	30	20	30	30	20	30	30	20	30	30	
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	
Protected Phases	3	8		7	4		5	2		1	6	
Permitted Phases			8			4			2			
Detector Phase	3	8	8	7	4	4	5	2	2	1	6	
Switch Phase												
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	10.0	5.0	10.0	10.0	5.0	10.0	

2:30 pm Baseline
2024 - No Build

Synchro 10 Report
Page 6

Lanes, Volumes, Timings
26: National & Sunshine

PM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Split (s)	11.4	31.4	31.4	11.4	27.4	27.4	11.8	28.8	28.8	11.8	34.8	
Total Split (s)	16.0	48.0	48.0	20.0	52.0	52.0	19.0	60.0	60.0	22.0	63.0	
Total Split (%)	10.7%	32.0%	32.0%	13.3%	34.7%	34.7%	12.7%	40.0%	40.0%	14.7%	42.0%	
Maximum Green (s)	9.6	41.6	41.6	13.6	45.6	45.6	12.2	53.2	53.2	15.2	56.2	
Yellow Time (s)	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.4	2.4	2.4	2.4	2.4	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Lost Time (s)	6.4	6.4	6.4	6.4	6.4	6.4	6.8	6.8	6.8	6.8	6.8	
Lead/Lag	Lead	Lead	Lead	Lag	Lag	Lag	Lead	Lag	Lag	Lead	Lag	
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Vehicle Extension (s)	2.0	3.0	3.0	2.0	3.0	3.0	2.0	3.0	3.0	2.0	3.0	
Minimum Gap (s)	0.5	3.0	3.0	0.5	3.0	3.0	0.5	3.0	3.0	0.5	3.0	
Time Before Reduce (s)	5.0	0.0	0.0	5.0	0.0	0.0	5.0	0.0	0.0	5.0	0.0	
Time To Reduce (s)	1.5	0.0	0.0	1.5	0.0	0.0	1.5	0.0	0.0	1.5	0.0	
Recall Mode	None	None	None	None	None	None	None	C-Max	C-Max	None	C-Max	
Walk Time (s)		4.0	4.0		4.0	4.0		4.0	4.0		4.0	
Flash Dont Walk (s)		21.0	21.0		17.0	17.0		18.0	18.0		24.0	
Pedestrian Calls (#/hr)		0	0		0	0		0	0		0	
Act Effect Green (s)	9.6	41.4	41.4	13.8	45.6	45.6	12.2	53.3	53.3	15.1	56.2	
Actuated g/C Ratio	0.06	0.28	0.28	0.09	0.30	0.30	0.08	0.36	0.36	0.10	0.37	
v/c Ratio	1.09	0.96	0.61	0.92	1.14	0.42	1.10	0.89	0.25	0.92	1.11	
Control Delay	150.1	75.0	31.8	101.0	120.5	23.5	145.7	56.1	7.5	98.6	105.2	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	150.1	75.0	31.8	101.0	120.5	23.5	145.7	56.1	7.5	98.6	105.2	
LOS	F	E	C	F	F	C	F	E	A	F	F	
Approach Delay		77.6			102.7			67.2			104.0	
Approach LOS		E			F			E			F	

Intersection Summary

Area Type: Other

Cycle Length: 150

Actuated Cycle Length: 150

Offset: 140 (93%), Referenced to phase 2:NBT and 6:SBT, Start of Yellow

Natural Cycle: 150

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 1.14

Intersection Signal Delay: 88.7

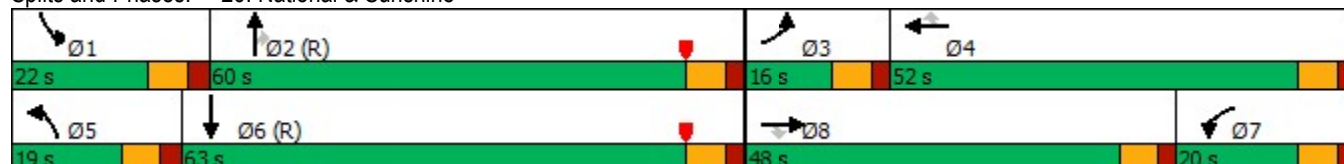
Intersection LOS: F

Intersection Capacity Utilization 100.7%

ICU Level of Service G

Analysis Period (min) 15

Splits and Phases: 26: National & Sunshine



Lanes, Volumes, Timings
1: Florence Ave & Sunshine

AM Peak
10/20/2022

	→	↘	↙	←	↖	↗
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑↱		↱	↑↑	↱	
Traffic Volume (vph)	1274	0	0	778	2	1
Future Volume (vph)	1274	0	0	778	2	1
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Grade (%)	-1%			0%	0%	
Storage Length (ft)		0	40		0	0
Storage Lanes		0	1		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	0.95	0.95	1.00	0.95	1.00	1.00
Frt					0.955	
Flt Protected					0.968	
Satd. Flow (prot)	3557	0	1863	3539	1722	0
Flt Permitted					0.968	
Satd. Flow (perm)	3557	0	1863	3539	1722	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	198			360	413	
Travel Time (s)	3.4			6.1	11.3	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	1385	0	0	846	2	1
Shared Lane Traffic (%)						
Lane Group Flow (vph)	1385	0	0	846	3	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	22			22	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane	Yes					
Headway Factor	0.99	0.99	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	45.2%			ICU Level of Service A		
Analysis Period (min)	15					

Lanes, Volumes, Timings

3: Sunshine

AM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	2	1278	19	3	765	1	5	0	7	1	0	3
Future Volume (vph)	2	1278	19	3	765	1	5	0	7	1	0	3
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-1%			0%			0%			0%	
Storage Length (ft)	30		0	0		0	0		0	0		0
Storage Lanes	0		0	0		0	0		0	0		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	0.95	0.95	0.95	0.95	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.998						0.917			0.899	
Flt Protected								0.981			0.988	
Satd. Flow (prot)	0	3550	0	0	3539	0	0	1676	0	0	1655	0
Flt Permitted								0.981			0.988	
Satd. Flow (perm)	0	3550	0	0	3539	0	0	1676	0	0	1655	0
Link Speed (mph)		40			40			30			30	
Link Distance (ft)		274			168			302			331	
Travel Time (s)		4.7			2.9			6.9			7.5	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	2	1389	21	3	832	1	5	0	8	1	0	3
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	1412	0	0	836	0	0	13	0	0	4	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane		Yes			Yes							
Headway Factor	0.99	0.99	0.99	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	47.3%											
Analysis Period (min)	15											
	ICU Level of Service A											

Lanes, Volumes, Timings
5: National & University St

AM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	0	21	7	0	7	0	1559	3	2	986	11
Future Volume (vph)	0	0	21	7	0	7	0	1559	3	2	986	11
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			-1%	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95
Frt			0.865		0.932						0.998	
Flt Protected					0.976							
Satd. Flow (prot)	0	0	1611	0	1694	0	0	3539	0	0	3550	0
Flt Permitted					0.976							
Satd. Flow (perm)	0	0	1611	0	1694	0	0	3539	0	0	3550	0
Link Speed (mph)		30			30			35			35	
Link Distance (ft)		296			616			586			2041	
Travel Time (s)		6.7			14.0			11.4			39.8	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	23	8	0	8	0	1695	3	2	1072	12
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	0	23	0	16	0	0	1698	0	0	1086	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			22			22	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane											Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.99	0.99	0.99
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Stop			Stop			Free			Free	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	53.2%						ICU Level of Service A					
Analysis Period (min)	15											

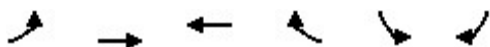
Lanes, Volumes, Timings
10: Access P2 & University St

AM Peak
10/20/2022

	→	↘	↙	←	↖	↗
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↰			↱	↘↙	
Traffic Volume (vph)	6	0	8	3	0	15
Future Volume (vph)	6	0	8	3	0	15
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.865					
Flt Protected	0.964					
Satd. Flow (prot)	1863	0	0	1796	1611	0
Flt Permitted	0.964					
Satd. Flow (perm)	1863	0	0	1796	1611	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	177			296	139	
Travel Time (s)	4.0			6.7	3.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	7	0	9	3	0	16
Shared Lane Traffic (%)						
Lane Group Flow (vph)	7	0	0	12	16	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	0			0	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane						
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	17.2%			ICU Level of Service A		
Analysis Period (min)	15					

Lanes, Volumes, Timings
12: Sunshine & Access P1

AM Peak
10/20/2022



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕↕	↕↕			↗
Traffic Volume (vph)	10	1274	761	19	0	10
Future Volume (vph)	10	1274	761	19	0	10
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Grade (%)		-1%	0%		0%	
Lane Util. Factor	0.95	0.95	0.95	0.95	1.00	1.00
Frt			0.996			0.865
Flt Protected						
Satd. Flow (prot)	0	3557	3525	0	0	1611
Flt Permitted						
Satd. Flow (perm)	0	3557	3525	0	0	1611
Link Speed (mph)		40	40		30	
Link Distance (ft)		168	198		141	
Travel Time (s)		2.9	3.4		3.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	11	1385	827	21	0	11
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	1396	848	0	0	11
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		0	0		0	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	0.99	0.99	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	
Intersection Summary						
Area Type: Other						
Control Type: Unsignalized						
Intersection Capacity Utilization 45.6% ICU Level of Service A						
Analysis Period (min) 15						

Lanes, Volumes, Timings
26: National & Sunshine

AM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	200	892	183	149	541	183	115	1179	184	184	702	122
Future Volume (vph)	200	892	183	149	541	183	115	1179	184	184	702	122
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	11	11	11	11	11	15	11	11	16	11	11	16
Grade (%)		-1%			-1%			-3%			-1%	
Storage Length (ft)	150		130	300		150	280		290	150		90
Storage Lanes	2		1	2		1	2		1	2		1
Taper Length (ft)	150			150			200			100		
Lane Util. Factor	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3335	3438	1538	3335	3438	1750	3368	3473	1821	3335	3438	1803
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3335	3438	1538	3335	3438	1750	3368	3473	1821	3335	3438	1803
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			200			200			193			193
Link Speed (mph)		40			40			35			35	
Link Distance (ft)		360			1489			912			586	
Travel Time (s)		6.1			25.4			17.8			11.4	
Peak Hour Factor	0.91	0.87	0.89	0.83	0.83	0.81	0.96	0.85	0.78	0.78	0.82	0.86
Adj. Flow (vph)	220	1025	206	180	652	226	120	1387	236	236	856	142
Shared Lane Traffic (%)												
Lane Group Flow (vph)	220	1025	206	180	652	226	120	1387	236	236	856	142
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		22			22			22			22	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.04	1.04	1.04	1.04	1.04	0.88	1.02	1.02	0.83	1.04	1.04	0.84
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1	0	1	1	0	1	1	0	1	1	0
Detector Template	30 ft	30 ft		30 ft	30 ft		30 ft	30 ft		30 ft	30 ft	Right
Leading Detector (ft)	32	32	0	32	32	0	32	32	0	32	32	0
Trailing Detector (ft)	2	2	0	2	2	0	2	2	0	2	2	0
Detector 1 Position(ft)	2	2	0	2	2	0	2	2	0	2	2	0
Detector 1 Size(ft)	30	30	20	30	30	20	30	30	20	30	30	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	Perm
Protected Phases	3	8		7	4		5	2		1	6	
Permitted Phases			8			4			2			6
Detector Phase	3	8	8	7	4	4	5	2	2	1	6	6
Switch Phase												
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	10.0	5.0	10.0	10.0	5.0	10.0	10.0

7:00 am Baseline
2024 - Build

Synchro 10 Report
Page 6

Lanes, Volumes, Timings
26: National & Sunshine

AM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Split (s)	11.4	31.4	31.4	11.4	27.4	27.4	11.8	28.8	28.8	11.8	34.8	34.8
Total Split (s)	20.0	45.0	45.0	14.0	39.0	39.0	19.0	52.0	52.0	19.0	52.0	52.0
Total Split (%)	15.4%	34.6%	34.6%	10.8%	30.0%	30.0%	14.6%	40.0%	40.0%	14.6%	40.0%	40.0%
Maximum Green (s)	13.6	38.6	38.6	7.6	32.6	32.6	12.2	45.2	45.2	12.2	45.2	45.2
Yellow Time (s)	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.4	2.4	2.4	2.4	2.4	2.4
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.4	6.4	6.4	6.4	6.4	6.4	6.8	6.8	6.8	6.8	6.8	6.8
Lead/Lag	Lead	Lead	Lead	Lag	Lag	Lag	Lead	Lead	Lead	Lag	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	2.0	3.0	3.0	2.0	3.0	3.0	2.0	3.0	3.0	2.0	3.0	3.0
Minimum Gap (s)	0.5	3.0	3.0	0.5	3.0	3.0	0.5	3.0	3.0	0.5	3.0	3.0
Time Before Reduce (s)	5.0	0.0	0.0	5.0	0.0	0.0	5.0	0.0	0.0	5.0	0.0	0.0
Time To Reduce (s)	1.5	0.0	0.0	1.5	0.0	0.0	1.5	0.0	0.0	1.5	0.0	0.0
Recall Mode	None	None	None	None	None	None	None	C-Max	C-Max	None	C-Max	C-Max
Walk Time (s)		4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0
Flash Dont Walk (s)		21.0	21.0		17.0	17.0		18.0	18.0		24.0	24.0
Pedestrian Calls (#/hr)		0	0		0	0		0	0		0	0
Act Effect Green (s)	12.1	38.6	38.6	7.6	34.1	34.1	9.0	45.2	45.2	12.2	48.4	48.4
Actuated g/C Ratio	0.09	0.30	0.30	0.06	0.26	0.26	0.07	0.35	0.35	0.09	0.37	0.37
v/c Ratio	0.71	1.00	0.35	0.93	0.72	0.37	0.52	1.15	0.31	0.76	0.67	0.18
Control Delay	70.1	74.9	6.7	108.7	49.4	9.4	65.9	115.9	8.0	73.4	37.6	1.6
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	70.1	74.9	6.7	108.7	49.4	9.4	65.9	115.9	8.0	73.4	37.6	1.6
LOS	E	E	A	F	D	A	E	F	A	E	D	A
Approach Delay		64.5			50.9			97.9			40.3	
Approach LOS		E			D			F			D	

Intersection Summary

Area Type: Other

Cycle Length: 130

Actuated Cycle Length: 130

Offset: 55 (42%), Referenced to phase 2:NBT and 6:SBT, Start of Yellow

Natural Cycle: 140

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 1.15

Intersection Signal Delay: 67.0

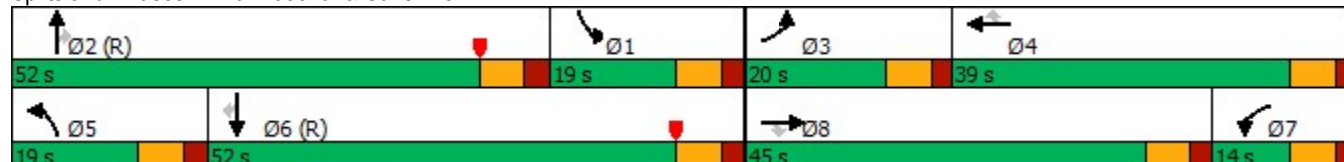
Intersection LOS: E

Intersection Capacity Utilization 88.7%

ICU Level of Service E

Analysis Period (min) 15

Splits and Phases: 26: National & Sunshine



Lanes, Volumes, Timings
1: Florence Ave & Sunshine

PM Peak
10/20/2022

	→	↘	↙	←	↖	↗
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑		↙	↑↑	↖	
Traffic Volume (vph)	1230	1	3	1491	1	4
Future Volume (vph)	1230	1	3	1491	1	4
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Grade (%)	-1%			0%	0%	
Storage Length (ft)		0	40		0	0
Storage Lanes		0	1		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	0.95	0.95	1.00	0.95	1.00	1.00
Frt					0.892	
Flt Protected			0.950		0.990	
Satd. Flow (prot)	3557	0	1770	3539	1645	0
Flt Permitted			0.950		0.990	
Satd. Flow (perm)	3557	0	1770	3539	1645	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	180			358	404	
Travel Time (s)	3.1			6.1	11.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	1337	1	3	1621	1	4
Shared Lane Traffic (%)						
Lane Group Flow (vph)	1338	0	3	1621	5	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	22			22	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane	Yes					
Headway Factor	0.99	0.99	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	51.2%			ICU Level of Service A		
Analysis Period (min)	15					

Lanes, Volumes, Timings
3: National & University St

PM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	0	43	0	0	6	0	1410	9	8	1484	23
Future Volume (vph)	0	0	43	0	0	6	0	1410	9	8	1484	23
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			-1%	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95
Frt			0.865		0.865			0.999			0.998	
Flt Protected												
Satd. Flow (prot)	0	0	1611	0	1611	0	0	3536	0	0	3550	0
Flt Permitted												
Satd. Flow (perm)	0	0	1611	0	1611	0	0	3536	0	0	3550	0
Link Speed (mph)		30			30			35			35	
Link Distance (ft)		254			562			509			2118	
Travel Time (s)		5.8			12.8			9.9			41.3	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	47	0	0	7	0	1533	10	9	1613	25
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	0	47	0	7	0	0	1543	0	0	1647	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			22			22	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane											Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.99	0.99	0.99
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Stop			Stop			Free			Free	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	58.7%					ICU Level of Service B						
Analysis Period (min)	15											

Lanes, Volumes, Timings
7: Sunshine

PM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	5	1238	18	5	1472	6	7	0	8	1	2	7
Future Volume (vph)	5	1238	18	5	1472	6	7	0	8	1	2	7
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-1%			0%			0%			0%	
Lane Util. Factor	0.95	0.95	0.95	0.95	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.998			0.999			0.929			0.902	
Flt Protected								0.977			0.995	
Satd. Flow (prot)	0	3550	0	0	3536	0	0	1691	0	0	1672	0
Flt Permitted								0.977			0.995	
Satd. Flow (perm)	0	3550	0	0	3536	0	0	1691	0	0	1672	0
Link Speed (mph)		40			40			30			30	
Link Distance (ft)		2366			182			400			302	
Travel Time (s)		40.3			3.1			9.1			6.9	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	5	1346	20	5	1600	7	8	0	9	1	2	8
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	1371	0	0	1612	0	0	17	0	0	11	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane		Yes			Yes							
Headway Factor	0.99	0.99	0.99	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	54.4%				ICU Level of Service A							
Analysis Period (min)	15											

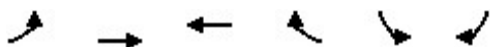
Lanes, Volumes, Timings
10: Access P2 & University St

PM Peak
10/20/2022

	→	↘	↙	←	↖	↗
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↰			↱	↘↙	
Traffic Volume (vph)	3	0	20	3	0	40
Future Volume (vph)	3	0	20	3	0	40
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.865					
Flt Protected	0.958					
Satd. Flow (prot)	1863	0	0	1785	1611	0
Flt Permitted	0.958					
Satd. Flow (perm)	1863	0	0	1785	1611	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	127			254	146	
Travel Time (s)	2.9			5.8	3.3	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	3	0	22	3	0	43
Shared Lane Traffic (%)						
Lane Group Flow (vph)	3	0	0	25	43	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	0			0	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane						
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	17.9%			ICU Level of Service A		
Analysis Period (min)	15					

Lanes, Volumes, Timings
12: Sunshine & Access P1

PM Peak
10/20/2022



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕↕	↕↕			↗
Traffic Volume (vph)	16	1231	1460	32	0	23
Future Volume (vph)	16	1231	1460	32	0	23
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Grade (%)		-1%	0%		0%	
Lane Util. Factor	0.95	0.95	0.95	0.95	1.00	1.00
Frt			0.997			0.865
Flt Protected		0.999				
Satd. Flow (prot)	0	3553	3529	0	0	1611
Flt Permitted		0.999				
Satd. Flow (perm)	0	3553	3529	0	0	1611
Link Speed (mph)		40	40		30	
Link Distance (ft)		182	180		169	
Travel Time (s)		3.1	3.1		3.8	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	17	1338	1587	35	0	25
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	1355	1622	0	0	25
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		0	0		0	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	0.99	0.99	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other

Control Type: Unsignalized

Intersection Capacity Utilization 51.4% ICU Level of Service A

Analysis Period (min) 15

Lanes, Volumes, Timings
26: National & Sunshine

PM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	195	814	225	242	1058	222	256	1002	174	232	1115	180
Future Volume (vph)	195	814	225	242	1058	222	256	1002	174	232	1115	180
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	11	11	11	11	11	15	11	11	16	11	11	16
Grade (%)		-1%			-1%			-3%			-1%	
Storage Length (ft)	150		130	300		150	280		290	150		90
Storage Lanes	2		1	2		1	2		1	2		1
Taper Length (ft)	150			150			200			100		
Lane Util. Factor	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	1.00	0.97	0.95	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3335	3438	1538	3335	3438	1750	3368	3473	1821	3335	3438	1803
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3335	3438	1538	3335	3438	1750	3368	3473	1821	3335	3438	1803
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			141			124			167			167
Link Speed (mph)		40			40			35			35	
Link Distance (ft)		358			1489			874			509	
Travel Time (s)		6.1			25.4			17.0			9.9	
Peak Hour Factor	0.84	0.89	0.71	0.86	0.89	0.85	0.85	0.91	0.91	0.75	0.93	0.85
Adj. Flow (vph)	232	915	317	281	1189	261	301	1101	191	309	1199	212
Shared Lane Traffic (%)												
Lane Group Flow (vph)	232	915	317	281	1189	261	301	1101	191	309	1199	212
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		22			22			22			22	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.04	1.04	1.04	1.04	1.04	0.88	1.02	1.02	0.83	1.04	1.04	0.84
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1	0	1	1	0	1	1	0	1	1	0
Detector Template	30 ft	30 ft		30 ft	30 ft		30 ft	30 ft		30 ft	30 ft	Right
Leading Detector (ft)	32	32	0	32	32	0	32	32	0	32	32	0
Trailing Detector (ft)	2	2	0	2	2	0	2	2	0	2	2	0
Detector 1 Position(ft)	2	2	0	2	2	0	2	2	0	2	2	0
Detector 1 Size(ft)	30	30	20	30	30	20	30	30	20	30	30	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	Perm
Protected Phases	3	8		7	4		5	2		1	6	
Permitted Phases			8			4			2			6
Detector Phase	3	8	8	7	4	4	5	2	2	1	6	6
Switch Phase												
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	10.0	5.0	10.0	10.0	5.0	10.0	10.0

2:30 pm Baseline
2024 - Build

Synchro 10 Report
Page 6

Lanes, Volumes, Timings
26: National & Sunshine

PM Peak
10/20/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Split (s)	11.4	31.4	31.4	11.4	27.4	27.4	11.8	28.8	28.8	11.8	34.8	34.8
Total Split (s)	17.0	52.0	52.0	20.0	55.0	55.0	20.0	57.0	57.0	21.0	58.0	58.0
Total Split (%)	11.3%	34.7%	34.7%	13.3%	36.7%	36.7%	13.3%	38.0%	38.0%	14.0%	38.7%	38.7%
Maximum Green (s)	10.6	45.6	45.6	13.6	48.6	48.6	13.2	50.2	50.2	14.2	51.2	51.2
Yellow Time (s)	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.4	2.4	2.4	2.4	2.4	2.4
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.4	6.4	6.4	6.4	6.4	6.4	6.8	6.8	6.8	6.8	6.8	6.8
Lead/Lag	Lead	Lead	Lead	Lag	Lag	Lag	Lead	Lag	Lag	Lead	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	2.0	3.0	3.0	2.0	3.0	3.0	2.0	3.0	3.0	2.0	3.0	3.0
Minimum Gap (s)	0.5	3.0	3.0	0.5	3.0	3.0	0.5	3.0	3.0	0.5	3.0	3.0
Time Before Reduce (s)	5.0	0.0	0.0	5.0	0.0	0.0	5.0	0.0	0.0	5.0	0.0	0.0
Time To Reduce (s)	1.5	0.0	0.0	1.5	0.0	0.0	1.5	0.0	0.0	1.5	0.0	0.0
Recall Mode	None	None	None	None	None	None	None	C-Max	C-Max	None	C-Max	C-Max
Walk Time (s)		4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0
Flash Dont Walk (s)		21.0	21.0		17.0	17.0		18.0	18.0		24.0	24.0
Pedestrian Calls (#/hr)		0	0		0	0		0	0		0	0
Act Effect Green (s)	10.6	43.8	43.8	15.4	48.6	48.6	13.2	50.2	50.2	14.2	51.2	51.2
Actuated g/C Ratio	0.07	0.29	0.29	0.10	0.32	0.32	0.09	0.33	0.33	0.09	0.34	0.34
v/c Ratio	0.99	0.91	0.58	0.82	1.07	0.40	1.02	0.95	0.27	0.98	1.02	0.29
Control Delay	123.7	64.9	28.5	85.1	94.9	22.0	122.6	65.0	8.0	112.7	80.1	9.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	123.7	64.9	28.5	85.1	94.9	22.0	122.6	65.0	8.0	112.7	80.1	9.9
LOS	F	E	C	F	F	C	F	E	A	F	F	A
Approach Delay		66.4			82.3			69.1			77.3	
Approach LOS		E			F			E			E	

Intersection Summary

Area Type: Other

Cycle Length: 150

Actuated Cycle Length: 150

Offset: 140 (93%), Referenced to phase 2:NBT and 6:SBT, Start of Yellow

Natural Cycle: 150

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 1.07

Intersection Signal Delay: 74.2

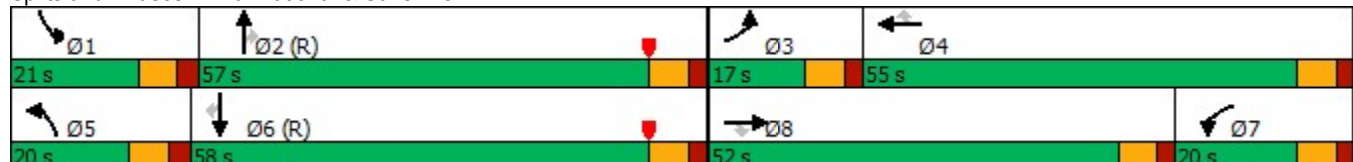
Intersection LOS: E

Intersection Capacity Utilization 94.9%

ICU Level of Service F

Analysis Period (min) 15

Splits and Phases: 26: National & Sunshine



Attachment 5

From: [Munde, Alan](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Thursday, December 8, 2022 9:55:55 AM

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

Planning and Zoning Board Members,

As a resident of the University Heights neighborhood, I am writing to express my strong opposition to the rezoning of that part of our area at the corner of Sunshine and National from single family housing to commercial/retail. My wife and I moved back to Springfield and are living in the University Heights neighbor because of its beautiful old historic homes and family-friendly feeling. It would be the beginning of a change for the worse with this rezoning and the intentions of the developers.

We attended several meetings the developers held recently. It was a disappointment to see and hear what they had planned for that corner. What they have envisioned is a strip of units several stories high with retail in the bottom and office "lofts" and apartments above wrapping around the corner of Sunshine and National. This proposal will produce a large volume of car and service vehicle traffic with access which will be difficult both from National and Sunshine leaving the neighborhood street of University as a preferred access to the units. This will lead to more traffic driving through University Heights from Kimbrough to avoid the congestion of National and Sunshine.

A glorious aspect of our area is that there are many families with small children mixed with older retired folks. We all use the sidewalks and crosswalks to play in the neighborhood (yes, we retired folks still play) and ride bikes. It is, as I said, a glorious place.

In America and Springfield, it is difficult to move around in any manner other than in an automobile. I commend Springfield for its attention to the walkers and bikers. I am a walker and go from my home in all directions. The intersection of Campbell and Sunshine is highly congested as is Sunshine and National and difficult to maneuver as a walker (a few weeks back someone actually hit the traffic light standard on the northeast pedestrian access island and tore off the walk button activator making an already precarious situation worse). The proposed development will only make walking or biking more dangerous.

Of the four corners at Sunshine and National, the proposed location is the only residential area remaining. Please let it remain so and consider the request for rezoning as inappropriate and deny the rezoning request.

Thank you for your attention to this matter,

Alan Munde
P.O. Box 4989
Springfield, MO 65808
512-694-8173 cell

From: [Andrea Stout](#)
To: Zoning@springfieldmo.gov; [Council](#)
Subject: Opposed to rezoning at Sunshine and National
Date: Tuesday, November 8, 2022 7:20:27 PM

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

As a resident of the Rountree neighborhood close to the proposed area for rezoning, I'd like to ask you to deny the rezoning request proposed for this area. I am concerned about increased and unsafe traffic in the area, destruction of irreplaceable buildings of historic value, and a spoiling of the residential district. I know your jobs are difficult in terms of balancing competing interests. I respectfully request you protect the neighborhood to maintain its present quality and preserve it for future generations and encourage the developers to invest elsewhere in Springfield.

Sincerely,
Andrea Bishop

From: [Anne Griffin](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #22
Date: Monday, December 5, 2022 3:19:07 PM

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

Dear Members of Planning & Zoning

Facilitating identified needs of Springfield is part of your job description. It may be successfully argued that the type of development proposed for the SE corner of the University Heights neighborhood is needed in our community, but specifically at this location, the argument does not hold. This distinction is a key point concerning this rezoning request.

The impracticality of building at this location versus other nearby properties is glaring. This is not a need, it is a want, of BK&M developers, Cox, and other backers. You must show the citizenry that you can distinguish between needs and wants. Most people and most neighborhoods understand the difference, and expect that the city will ask for their sacrifice only for a need, especially a critical one. This is not one.

What this is, is parasitic. Remember, a parasite lives in or on another to derive nutrients at the detriment of the other. BK&M will derive name recognition and quality of life benefits by encroaching into the University Heights neighborhood that the other nearby locations won't provide. The encroachment breaks the integrity of the neighborhood and commercializing kills the very value BK&M hopes to hijack to their advantage (starting with the proposed name, The Heights).

University Heights has been one of Springfield's neighborhood 'gems' for almost 100 years. It provides a quality-of-life that many people (but obviously not all), respect and seek. There are other options nearby as possible sites for this development. Maybe not as perfect on one standard, but more appropriate* on multiple criteria. There are other options for these houses not requiring their destruction. Maybe not as grand or profitable, but viable and exemplar of restoration and creative planning. Irreparable harm and lost civic trust should be avoided when there are reasonable alternatives and no true need.

Cordially,

Anne Griffin

*Proposed rezoning/development area is at the NW corner where Sunshine and National streets meet. The other three quadrants are already zoned correctly for commercial and/or multifamily proposed builds. The proposed structures if built to the east and/or to the south of this intersection would be appropriate and complement what is already there and could revive less than thriving (an identified need) commercial areas. To the north and west of where these two streets meet are residential neighborhoods, making this type of development disruptive and inappropriate. There is no golden rule in city planning or need that if 3 corners are

commercial so must be the 4th.

From: [Annette Hollon](#)
To: Zoning@springfieldmo.gov
Subject: Comments for Rezoning at 1739, 1745, 1755 S National, 1141 E Sunshine, & 1138 University St
Date: Friday, August 19, 2022 4:22:29 PM

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

Annette Hollon
1133 E Linwood Drive
Springfield, MO 65807
417-343-8075

I am NOT in favor of the rezoning from Residential - Single Family to General Retail for the properties at 1739, 1745, 1755 S National, 1141 E Sunshine, & 1138 University St. for the following reasons:

1. Safety issues pertaining to traffic
2. Increased crime potential in our neighborhood boundaries
3. Compromising the residential integrity of our neighborhood
4. Lack of alignment with the Forward SGF Draft plan Specifically Goal 3.5
5. Concern for the domino effect heading west on Sunshine pertaining to continued rezoning from Residential - Single Family to General Retail
6. Losing our residential corridor and affecting all neighbors on the north and south of Sunshine between National Ave and Jefferson Ave
7. General Retail allows businesses that are not appropriate for a family friendly neighborhood such as medical marijuana dispensary, medical marijuana infused products, private club or lodge, or entertainment-oriented use group

Thank you,
Annette Hollon

From: [Robinson, Barbara Susan](#)
To: [Neal, Daniel](#)
Subject: University Heights Neighborhood meeting 10/24/22
Date: Monday, October 24, 2022 6:33:11 AM

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

Greetings,

The neighborhood informational meeting scheduled for today at 4pm does not seem to meet the planning and zoning description for best practice.

A canopy has been erected at 1755 S. National Ave (see attached photo). As a physical therapist, I can confirm that this is not an accessible location and would not meet ADA requirements. The attempt to put a surface on top of the dirt creates an uneven and frankly dangerous surface for placing chairs.

Additionally, the size of the covered area will not accommodate the number of individuals who are likely to attend this meeting using the number that attended the August meeting.

Given today's weather forecast for 18 mph winds and a 90% chance of rain at 4pm, the safety of the location for the meeting is questionable.

Please request that this meeting be rescheduled for a more appropriate location that is accessible to all of our neighbors.

Thank you for your consideration.

Barbara S Robinson
1010 E University St
Springfield, MO 65807
417-225-2522

Get [Outlook for iOS](#)



From: [Robinson, Barbara Susan](#)
To: [Neal, Daniel](#)
Cc: [Robinson, Barbara Susan](#)
Subject: Zoning Case Z-23-2022 COD #220
Date: Monday, October 31, 2022 12:50:06 PM

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

Greetings!

As a resident of University Heights, I would like to request a copy of the complete zoning application from BK&M for the NW corner if S. National Ave. and E. Sunshine St.

We were provided no information regarding their plan during the neighborhood informational meeting.

According to you best practices document the following items should have happened:

"Applicants must hold a neighborhood meeting to allow the public to review the proposed project."

During both informational meetings held by the developers, many residents asked what would be built on the site. We asked to see a site plan multiple times. The attorney for BK&M repeatedly stated that there is not a site plan, that there is purposely not a site plan. Not even an artist's rendering of BK&M's vision.

If that is the case, how is it that Richard Ollis, an at large member of City Council, has already seen BK&M's plans for development of the corner at S. National Ave. and E. Sunshine?

"Richard Ollis was the speaker and he said he saw the developers plans and didn't understand why we would oppose." "He also said the neighborhood was not very open or encouraging to say let's look at the plans and collaborate." We have not seen any plans and have repeatedly asked to see plans.

"Choose a location that is at or near the project site. If you hold the meeting at the project site, make sure to include the location on the notice letter and provide a comfortable meeting space (i.e., seating options, tables, microphone, etc.). If you choose an alternate location, make sure it is within the vicinity of the site, in an appropriate location, and ADA compliant; for example, if it is too warm or too cold outside, meet indoors (i.e., a nearby library, meeting hall, church or community room)."

The most recent meeting was held in a tent that did not provide enough space, was not comfortable, had uneven and dangerous flooring that increased the risk for falls for everyone, a weather forecast for an 80-90% chance of rain, mud, and inadequate lighting and sound system. This was not an ADA compliant location.

"Reiterate the purpose of the meeting: to inform residents about the proposed project and gather their input on the proposal. Prepare a short (10-15 minute) presentation about the proposed project and any details on how it fits into the City of Springfield's comprehensive plan and the zoning code. If available, share the site plan and project design"

Again, none of this was done. All we could respond to was information gathered from interviews of Mr. Duda regarding putting in fun restaurants such as the Pancake Pantry, a Cheesecake Factory, an upscale Italian restaurant, and a bakery with executive lofts above them.

It appears that plans exist that have been shared with City Council members.

Please provide us as residents of University Heights the complete zoning application and any additional information that has been provided to City Council.

Thank you,

Barbara S. Robinson
1010 E. University St.
Springfield, MO 65807
417-225-2522
susanrobinson@missouristate.edu

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From: [Ben Fuller](#)
To: Zoning@springfieldmo.gov
Subject: Rezoning of 1739, 1745, 1755 S. National, 1141 E Sunshine, and 1138 E University
Date: Friday, August 19, 2022 12:01:30 PM

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

Hello,

My name is Benjamin Fuller and I am a resident of the University Heights Neighborhood. I wanted to voice my grievances and concerns regarding the proposed rezoning from RSF to GR at the intersection of National and Sunshine. Firstly, I have been a resident of the neighborhood my entire life and I take some pride in the area. For this reason, myself and many of the other residents would hate to see such great, historic houses in the neighborhood be turned into an eyesore. While I wasn't able to attend the initial meeting last night, it is my understanding that the developers did not present a clear vision for what they wanted the space to be in the first place. It is my hope that the houses could either be preserved and used by the neighborhood for meetings/events, or repurposed in a practical way that would have a greater impact on the community than just another strip mall, such as temporary housing for families of patients at Mercy Hospital. If the city chooses that the space will become a business no matter what, then so be it, however, I would ask for your consideration in preserving the buildings at stake, as it would be a waste to demolish such beautiful, historic properties.

Secondly, I would like to draw your attention to the safety concerns that rezoning to GR would bring to one of the busiest intersections in the city. At most times of the day on any given day, it is not enjoyable to be at the intersection of Sunshine and National. The logistics of rezoning, especially if all of the properties are to be demolished, would cripple the traffic flow at the intersection for months. If it is the developer's clever idea to use University street as an alleyway/parking lot of sorts for large construction vehicles and worker vehicles in hopes of bypassing the use of a lane on National, this would be a great hindrance and disruption to my neighbors and I. I would also add University would not be the only street negatively impacted by this development, as the streets past University such as Stanford, Kingsbury and Portland are already used by drivers to avoid the rush hour clog of at National and Sunshine. As it is, these streets do not have the stop signs necessary to slow drivers that cut down these streets to go to Kimbrough. Thus, the potential development to occur would pose a threat to residents throughout the neighborhood, increasing the volume of drivers that carelessly speed down the streets to avoid the daily jam at National and Sunshine.

I hope that you will take the considerations of my neighbors and I into account regarding the potential rezoning in University Heights. We love the neighborhood and would like to protect it as much as possible. I understand that the city is always going to be interested in bringing in more business, but I would argue that this beloved and highly congested area is not the place to do it.

Regards,

Benjamin Fuller

945 E. University st.
417-655-0020

From: [Bruce Douglas](#)
To: Zoning@springfieldmo.gov
Subject: University Heights Development
Date: Monday, October 24, 2022 9:21:24 PM
Attachments: [IMG_2635.HEIC](#)
[IMG_2639.HEIC](#)
[IMG_2632.HEIC](#)
[IMG_2626.HEIC](#)

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

Dear Planning and Zoning Staff,

I write to you tonight about the proposed rezoning and development in University Heights located at the northwest corner of National and Sunshine. This development is proposed by Be Kind and Merciful, LCC (BKM).

Tonight, BKM held the required neighborhood meeting to seek input about their development. I will first speak regarding the meeting and then again about the development.

Meeting Logistics

I have reviewed the [best practices document](#) shared by your department. I have attached multiple photos from the meeting location and want to point out several concerns.

1. I live at 1139 E. University and did not receive notification of the meeting. I learned of the meeting through local news outlets, the University Heights Neighborhood Association, and from neighbors.
2. The meeting location was not accessible. I am not intimately familiar with ADA requirements but I am doubtful those requirements were met considering the gravel walkway to the tent, the poor "flooring" in the tent, and the lack of facilities available.
3. I cannot blame the weather on anyone but you can see from the photo that the area within the tent was wet on the perimeter making it difficult for a standing room only meeting.
4. As seen in one of the attached photos, the only exit was zipped and blocked by attendees.
5. The generator used for lighting and the sound system died about 5:15. Attendees continued the best as they could with many literally yelling so they could be heard.
6. The only table provided was utilized by the representatives of the developers. As mentioned, there was not nearly enough seating for those in attendance and that does not include the almost 50+ attendees on a live stream since they could not attend due to the site accessibility issues.
6. I arrived about 5:00 and no sign in was available or comment cards at the entrance. Arriving late, I expect I missed the presentation by the representatives however they did state in the ending comments that no site plan is available at this time because this is not what is being asked for by the rezoning request.

The main impression I was left with from the meeting is that BKM and their representatives are not truly interested in working with this community. Nor are they interested in following the best practices laid out by the city to ensure cooperation between residents and developers. I felt belittled by the site choice considering the recent demolition of a historic house, the preparation of the site with little regard to those that want to attend and provide input, the

flippant and dismissive attitude of the BKM representatives, and the lack of attendance of the developers themselves.

Development Concerns

Beyond the meeting, I also want to voice the concerns I have regarding the proposal on the table.

1. It is clear that Mr. Duda and BKM want to raze the entire city block of a historic and prosperous neighborhood. The expansion of their request and continued engagement with residents seeking to purchase property speaks to the true intentions. If this is truly the direction our city desires, to destroy entire city blocks to make room for development, then I am not sure why as a resident I would want to continue residing here.
2. In the attached photos, you will also see what University looked like tonight and what it will look like if the development goes through without consideration for this neighborhood. You can see there is not enough room for two cars to pass when parking is on both sides of the street. You will also see what it would look like from my front door. Traffic is already an issue at this location and adding to it does not seem good for the home owners in this neighborhood.
3. A speaker at tonight's meeting brought up a key point that there is no shortage of available retail spaces in this area. She cited that there are 12 locations on Sunshine alone between National and Glenstone.
4. Mr. Duda has also stated that property values will benefit similar to developments like Farmer's Park. I lived at 2060 E. Swallow from 2000 until 2005 and my father continued living in that house until his death in 2015. To say the comparison is apples and oranges is not fitting. It would be more fitting to say the comparison is swamps to neighborhoods. The Farmer's Park area was home to a little swamp and a few houses in a large amount of acreage. My partner also lived at Farmer's Park from 2017-2020 and we saw the amount of retail space left vacant after the original leases ran out. This includes Jelly Beans, Staxx, multiple restaurants and other service providers.

Outside of the concerns of the impact this development will have on the University Heights neighborhood, the development simply brings nothing new to the area and does not address the primary concerns our city currently has regarding home ownership rates, affordable housing, and job development. Our food service industry in this town is already short staffed. Executive lofts will not benefit those needing affordable housing and will not generate jobs. And that doesn't even address the hypocrisy of Mr. Duda stating no one wants to live at this location while proposing lofts for residence!

I truly hope you will listen to the feedback provided by homeowners directly affected by this proposal and not just the developers in this manner.

Thank you,
Bruce Douglas
1139 E. University



EXIT







From: gofarrell@mchsi.com
To: Zoning@springfieldmo.gov
Subject: Proposed Rezoning of University Heights Neighborhood
Date: Tuesday, September 6, 2022 5:20:06 PM

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

To Springfield Planning and Zoning Commission:

I am writing this email to ask you to please help in preserving my neighborhood, University Heights, by disapproving the request to rezone University Heights.

University Heights is designated Single Family Residential and "Residential Neighborhood – Traditional" by the City of Springfield's existing Comprehensive Plan and the upcoming Forward SGF plan. The very first goal listed in the new Forward SGF plan is:

- Neighborhood Revitalization: Creating safe, livable neighborhoods in Springfield. This goal includes Restore SGF, a local initiative encouraging reinvestment and homeownership in Springfield neighborhoods.

Rezoning is both unnecessary and contrary to these City plans.

The rezoning and development on the corner of National and Sunshine will greatly increase traffic there, which is already congested. How will people be able to access these new businesses on the corner without further backing up traffic on National and Sunshine? In addition to backing up traffic on National, people will use University, Stanford and Kingsbury as through streets to avoid the National/Sunshine corner to a greater extent than they already do.

University Street is a quiet residential neighborhood street. The resulting traffic on traffic on University will destroy the residential ambience of the neighborhood. People will no longer feel safe to take walks, jog, walk their dogs or let their children play.

The property values of University Heights will plummet. With development on the corner, next will come development down Sunshine all the way to Kimbrough. No one living of the south side of University Heights will want to live with the increased traffic and noise in their back yards due to the inevitable business development that would follow this rezoning. University Street will be devastated by increased traffic and noise. People living on that street will sell out resulting in decreased property values which will spread north through the neighborhood.

Newly developed properties on Sunshine between National and Freemont house business that already struggle to stay afloat. At least one has already closed. Springfield is not suffering from a lack of development on Sunshine. What Springfield is suffering from is closed businesses in run

down strip malls. Why not encourage refurbishing or redevelopment of existing developments instead of unnecessary development in residential areas?

Please consider the existing residents of University Heights Neighborhood and reject this unnecessary and destructive rezoning.

Thank you,

Charles O'Farrell
910 E Kingsbury
Springfield, MO

From: [Craig, Christopher J](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Wednesday, December 7, 2022 10:08:48 AM

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

Dear Zoning Committee,

First, I want to thank you for your service to Springfield in researching and addressing these important decision points tied to zoning. My grandparents, parents, and my wife and children have grown up in the University Heights neighborhood. We have lived at 1613 South National for 28 years, which provides great access to my work at Missouri State University where I am the Deputy Provost. To that point, this neighborhood is at the heart of Springfield, and I have enjoyed a lifetime of experiences with friends and colleagues.

The single dwelling foundation of this neighborhood is central to the current discussion. As I walk the neighborhood each day, our neighborhood and the series of small streets connecting us is key. There is a quiet and safe serenity to these connective streets that must be preserved. By contrast, the intersection of Portland and National has almost daily accidents that have escalated in recent years. An increase of traffic flow on University, Stanford, and Kingsbury would most certainly increase likelihood of traffic accidents, impacting the safety of all those in our neighborhood.

I am totally blind, and as I make my daily walks in the neighborhood, I encounter many with mobility challenges and families with small children that have chosen to be life-time residents in University Heights because of the single dwelling focus. First, we do not need more apartments in this part of Springfield. The more recent construction projects completed on the MSU campus and the surrounding area to provide adequate student housing will more than suffice based on predicted enrollments. Second, the access issues impacting businesses on the Northeast corner of Sunshine and National have contributed to businesses rethinking their location. Third, this is not expansion or increasing opportunities for business; rather, it is devaluing the heart of Springfield in ways that I could not begin to delineate in this communication. Finally, I am heartened by the recent vote tied to the Galloway area and I believe reflects the sentiment of most Springfieldians.

In brief, my family is opposed to a rezoning of this area beyond the single dwelling status that characterizes our neighborhood. Again, I thank you for your service to the city and all that you do.

Sincerely,

Christopher J. Craig

From: [Cindy Hammer](#)
To: Zoning@springfieldmo.gov
Subject: University Heights
Date: Wednesday, September 7, 2022 9:15:46 AM

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

Good morning -

I am writing in regards to the possible rezoning of University Heights for general retail.

My husband and I have lived in University Heights for four years. One of the reasons that we purchased a house in UH is because of the history and beauty of the neighborhood. Each house has a history - some dating back to the 20' and 30's. We are very concerned about the possibility of the rezoning and destruction of at least 3 - 5 of these beautiful homes. The three houses on National that have been purchased recently by developers are three of the most beautiful homes in UH. We understand that these homes need repair, but destroying them is not the answer. If the houses are rezoned, our hope is that they could be turned into restaurants, retail shops, etc., but left standing.

University Heights is one of the most sought after neighborhoods in Springfield. One reason is because of the beauty. We are not a "cookie cutter" neighborhood. Each home has its own personality. Each house has its own history. The value of our homes now is at its very highest. If a strip mall were to be placed in UH, we are certain it would devalue our property.

We live on University Street and are very concerned about the increase of traffic on our street with any possible development. This would create a danger to children who live in these homes while playing outside. Rezoning the homes that were purchased does not follow the City's existing Comprehensive Plan or the proposed Forward SGF. These designate UH as a Residential Neighborhood and we should be afforded the protection of such. Since it was first developed in 1925, it has always been zoned as residential and never had commercial businesses.

We are concerned that any removal of grass and trees could create flooding - a problem that already exists for many of us.

One of our historic homes just recently sold for the asking price of \$699,900, which shows that people value the history of these homes. If commercial businesses start to come into our neighborhood, it will definitely devalue our homes.

I work in Hammons Tower on St. Louis Street. At one time, St. Louis Street was lined with beautiful homes. But now, not one is left. This is our fear for University Heights. We have so few historic homes left in our city. Please help us protect our neighborhood.

Thank you so much for your consideration!

Sincerely,

Bobby and Cindy Sherman
1720 South Kimbrough Avenue

From: Darron.Hemann@wellsfargoadvisors.com
To: Zoning@springfieldmo.gov
Subject: Proposed Commercial Development on the corner of Sunshine and National Ave
Date: Monday, October 24, 2022 2:25:59 PM

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

Hello,

As a resident of University Heights neighborhood, I would like to voice my opposition to the proposed commercial development that developer Ralph Duda is wishing to build.

The traffic on that corner is already a major problem and it's nearly impossible to get out of the neighborhood on my street, University, as it is. Not to mention that it will absolutely hurt our residential property values and destroy one of the few remaining historical neighborhoods left in Springfield. I am all for progress but not at any cost, especially when there are much better options that are already zoned commercial where the developers could build this.

Please help us preserve our history and keep University Heights residential.

Thank you for your consideration,

Darron J. Hemann
First Vice President-Investments
Financial Advisor
Pim Portfolio Manager
1720 E Bradford parkway
Springfield, Mo 65804
417-883-6680 | Fax: 417-883-9738 | Toll-free: 800-288-6680

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From: [David Hutchison](#)
To: Zoning@springfieldmo.gov
Subject: Rezoning
Date: Wednesday, October 26, 2022 8:24:46 AM

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

Proposal to rezone Northwest corner of Sunshine Street and National Avenue
From: David Hutchison, 1101 E Kingsbury, Springfield, MO 65807
417-830-5268

I am urging the Planning and Zoning Commission to deny the request to rezone the properties in the North West corner of Sunshine, National and University

Should the area be zoned as general retail, the influx of traffic will greatly increase in the University Heights neighborhood.

While there is not a plan proposed for ingress or egress to the retail area, the traffic flow is tremendous at the intersection. The property at 1138 University may and probably will become the point of entry/exit to the retail stores.

Both customer and delivery vehicles will use the neighborhood as alternative routes. This happened when National was resurfaced this past year. Portland to Hampton to Sunshine had a large increase in traffic. Many traveling above the speed limit and ignoring stop signs. (Our home is at the corner of Kingsbury and Hampton) traffic also increased east to west from National to Kimbrough!

We have young families with children, we also have older neighbors. Our neighborhood is walked, biked, and jogged every day!

An increase in traffic is not only a disturbance, it will create an UNSAFE area, especially FOR CHILDREN!

Referring to the home at 1138 E University. If it is rezoned as general retail, a precedence will be set, rezoning the entire south side of University is of great risk.

This is not the case east of National on University. All existing retail to the east on Sunshine stops at the south property line of homes on University.

These facts are only part of the problem with rezoning the property.

Thank you,
David Hutchison

Sent from my iPhone

From: [David Hutchison](#)
To: Zoning@springfieldmo.gov
Subject: Proposed Change of Zoning
Date: Tuesday, November 8, 2022 6:41:35 AM

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

From: David Hutchison
1101 E Kingsbury
Springfield, MO 65807

Last evening the developers, wishing to change zoning at the north west corner of Sunshine and National, an informational meeting for the residents of University Heights neighborhood.

While they presented an attractive picture of the proposed structure, they admitted it was only an idea of what will be built.

Important issues are, they have proposed a possible six floor structure.

When asked about ingress and egress, they proposed one on Sunshine and one on University.

The purchased residential home on University can Not be rezoned to general retail use!
This will set a presidency to rezone any adjacent property to general retail. Future rezoning of University to retail west to Kimbrough is not acceptable!

When I asked and stated this to the developer, it was not addressed by him.

When asked about increased neighborhood traffic, their answer was...we cannot control traffic. That is a concern for the city of Springfield. Our traffic analysis says it will be minimal.

Hopefully drawing medical personnel from Mercy to live and use the potential restaurants is part of the strategy. They do not have an economical plan for crossing Sunshine and National. Possibly a shuttle?!

Subway Sandwich shop across from Mercy on National has closed! Employees were jaywalking across National. People in the neighborhood, employees of Mercy, and families of patients could not keep their business viable.

The idea has great potential, however they have many obstacles to overcome. Water retention, accessibility to the property, and traffic control will all need to be addressed in order for the project to succeed.

Thank you,
David Hutchison

Sent from my iPhone

From: [Dawn Young](#)
To: Zoning@springfieldmo.gov
Subject: University Heights
Date: Thursday, September 1, 2022 9:01:53 AM

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

Hello,

I just wanted to express my opposition to the proposed development at the corner of National and Sunshine. I am a resident of University Heights, living at 625 E Stanford St, Springfield, MO 65807. In our neighborhood our kids still play outside and it is very common to see people on their front porches and walking or biking the neighborhood. In recent years we have noticed a lot of cars speeding down Portland to bypass the congestion of that intersection. A matter our board has been working on. If that corner is rezoned, the traffic and congestion will only worsen. Commuters will take to short cutting through our historical neighborhood, and I imagine there will be an increase in road rage incidents because ingress and egress will be nearly impossible there. There are so many vacant spots already zoned commercial on Sunshine. Please support our neighborhood and leave the zoning as is.

thank you for your time,

P. Dawn Mosley-Young

From: [Simpson, Matthew](#)
To: [Dawn Young](#)
Cc: [Gage, Jason](#); [Ollis, Richard](#); Zoning@springfieldmo.gov
Subject: Re: University Heights Preservation
Date: Friday, October 28, 2022 8:37:05 AM

Thank you for your email.

On the Deed restriction question, the City does not have a legal role in enforcement. Deed restrictions are contractual by nature with courts making the decision on enforcement actions brought by an involved private party. If the courts rule there is an enforceable deed restriction that would supersede any zoning.

I wasn't able to attend the Springfield Business Journal Economic Growth series event yesterday where Councilman Ollis shared his personal thoughts, and haven't seen a plan for this site yet, but know Richard would be happy to answer any questions. There is a meeting scheduled for November 7 at the Doubletree that I believe is to present a site plan.

This application has yet to be reviewed by the Planning and Zoning Commission so I'm also sending your feedback to their staff.

Thanks,

Matthew Simpson
Zone 4 Councilman
City of Springfield
msimpson@springfieldmo.gov
417.824.1651

From: Dawn Young <pdyl1366@gmail.com>
Sent: Thursday, October 27, 2022 8:18 PM
To: Simpson, Matthew <msimpson@springfieldmo.gov>
Subject: University Heights Preservation

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

University Heights is a neighborhood in Springfield that is known for its historic homes and central location. The kind of neighborhood people drive though to see during Spring, Fall and the winter holidays. I did that for years until purchasing a home on Stanford almost 7 years ago. It has always been a special place to live but during the pandemic it was the perfect place to be. Neighbors looked out for each other and exchanged items with one another as needed. Porch visits and doggy meetups were common and one neighbor, a renowned banjo player, would jam with fellow musicians in the driveway for everyone to

enjoy. Kids will play in the yards and run up and down the street to connect with each other while neighbors look on and look out for them. In recent years, traffic studies have been conducted on Portland due to higher traffic counts and speeding cars. City Utilities has worked to help abate the water runoff that plagues the area when we get a "100 year flood" every 6 months or so. Until the BKM people came along, those were the only two concerns for the neighborhood. The very thought of our beautiful neighborhood losing at least 8 homes, with at least one of them being a Bissman home, is sickening. One legendary landmark is already gone. It is tragic.

Springfield has some truly special areas with University Heights being one of them. Development is inevitable and can be incorporated with thought and planning. Demolishing homes in our neighborhood should NOT be part of growth. Mr. Duda has not had a good faith meeting with University Heights at any point. He has refused to share with the residents of University Heights what his plan is for that site, other than hopefully a "Pancake Pantry." He and his associates have ignored citizen concerns and at the most recent meeting he did not even attend, but instead his brother and two females were there mocking residents as they spoke, rolling eyes, and texting furiously. At both meetings, they seemed very certain their plan was a done deal. This all made more sense when at a public meeting, Councilman Ollis made remarks praising the plan- which he clearly had seen, and disparaging the neighbors for being so difficult. How many council members are in cahoots with the developers? What about the deed restrictions on the land? The people of Springfield deserve transparency in this. And the city of Springfield needs to stop razing our history and do more toward preserving the remaining historical sites that we have.

Sincerely,

P. Dawe Mosley-Young
625 E Stanford

From: [Dawn Young](#)
To: [Ollis, Richard](#)
Cc: [Simpson, Matthew](#); [Gage, Jason](#); Zoning@springfieldmo.gov
Subject: Re: University Heights Preservation
Date: Monday, October 31, 2022 4:16:34 PM

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

Respectfully sir,

I don't believe it has ever been the intent of the developer to care about the neighborhood. So this meeting has low expectations. Mr. Duda has been more forthcoming with you and the media than he has with anyone who lives in University Heights. In his initial presentation he portrayed himself as the savior to our blighted community. As you know, that didn't end well. He has since been harassing my neighbors closest to his properties and his associates mocked many of my neighbors at the last meeting held on the grave of a Springfield landmark in a flimsy tent during a storm. The actions of BK&M have very much given the impression they are in "cahoots" with someone at the City Level.

Additionally, I don't think this compares to the Cherry/Pickwick situation at all. As a huge fan and supporter of Tea Bar and Bites and Ott's Pasta, I have been a customer in that area for years. This project gets rid of historic, single family homes that are a cornerstone to our neighborhood. Not everyone wants to live in a McMansion in SW or SE Springfield. Some of us choose to live where we do because of the history, location and architecture.

As I previously stated, I am not against growth and development. On E Sunshine, the old Fishel Pool site is blighted, along with the old Thai Basil building next to it. What a wonderful place for new business. Further west, Sonic and Corwin Dodge left spaces with all sorts of potential. Behind Flower-ram-a at Grant and Sunshine there are not one but 2 struggling strip malls that have very close proximity to the new Grant street greenway and Bass Pro. Perhaps City Council can steer development to those sites instead of our neighborhood?

Regards, Dawn Mosley-Young

On Sun, Oct 30, 2022 at 6:39 PM Ollis, Richard <rollis@springfieldmo.gov> wrote:

Dawn,

Thanks for your email. As is normally the case in these things, my comments at a public

meeting were in relationship to Northwest Arkansas, a recent community leadership visit. NWA is a growing area with many new developments. NWA supports new growth and celebrates it's changing landscape.

My comments were based on what I experienced there versus our community (in general), which is undecided on whether we want to embrace and support growth and development. Recent examples are the Galloway referendum, Lone Pine bike park suit, and the continuing saga at National and Sunshine.

My only comments on National and Sunshine were that I wish that the developer and neighborhood could come to some sort of agreement/compromise. To be clear, when I briefly met with the developer, he showed me some pictures of the "look and feel" of what they were considering, not a proposal. It's unfortunate that my comments were mis-construed and allegations are being made regarding council being in "cahoots" with the developer.

I also told the story of my neighborhood at the public meeting (Rountree) and how it was opposed to development on Cherry/Pickwick. After it was built/developed, most everyone in our neighborhood loves the area businesses.

My understanding is the developer is hosting a meeting on November 7 from 6-8pm at the Doubletree. Hopefully this will go better than the previous two meetings.

Sincerely,

Richard Ollis

From: Simpson, Matthew <msimpson@springfieldmo.gov>

Sent: Friday, October 28, 2022 8:37 AM

To: Dawn Young <pdyl1366@gmail.com>

Cc: Gage, Jason <jgage@springfieldmo.gov>; Ollis, Richard <rollis@springfieldmo.gov>; Zoning@springfieldmo.gov

Subject: Re: University Heights Preservation

Thank you for your email.

On the Deed restriction question, the City does not have a legal role in enforcement. Deed restrictions are contractual by nature with courts making the decision on enforcement actions brought by an involved private party. If the courts rule there is an enforceable deed restriction that would supersede any zoning.

I wasn't able to attend the Springfield Business Journal Economic Growth series event yesterday where Councilman Ollis shared his personal thoughts, and haven't seen a plan for this site yet, but know Richard would be happy to answer any questions. There is a meeting scheduled for November 7 at the Doubletree that I believe is to present a site plan.

This application has yet to be reviewed by the Planning and Zoning Commission so I'm also sending your feedback to their staff.

Thanks,

Matthew Simpson

Zone 4 Councilman

City of Springfield

msimpson@springfieldmo.gov

417.824.1651

From: Dawn Young <pdy11366@gmail.com>
Sent: Thursday, October 27, 2022 8:18 PM
To: Simpson, Matthew <msimpson@springfieldmo.gov>
Subject: University Heights Preservation

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

University Heights is a neighborhood in Springfield that is known for its historic

homes and central location. The kind of neighborhood people drive though to see during Spring, Fall and the winter holidays. I did that for years until purchasing a home on Stanford almost 7 years ago. It has always been a special place to live but during the pandemic it was the perfect place to be. Neighbors looked out for each other and exchanged items with one another as needed. Porch visits and doggy meetups were common and one neighbor, a renowned banjo player, would jam with fellow musicians in the driveway for everyone to enjoy. Kids will play in the yards and run up and down the street to connect with each other while neighbors look on and look out for them. In recent years, traffic studies have been conducted on Portland due to higher traffic counts and speeding cars. City Utilities has worked to help abate the water runoff that plagues the area when we get a "100 year flood" every 6 months or so. Until the BKM people came along, those were the only two concerns for the neighborhood. The very thought of our beautiful neighborhood losing at least 8 homes, with at least one of them being a Bissman home, is sickening. One legendary landmark is already gone. It is tragic.

Springfield has some truly special areas with University Heights being one of them. Development is inevitable and can be incorporated with thought and planning. Demolishing homes in our neighborhood should NOT be part of growth. Mr. Duda has not had a good faith meeting with University Heights at any point. He has refused to share with the residents of University Heights what his plan is for that site, other than hopefully a "Pancake Pantry." He and his associates have ignored citizen concerns and at the most recent meeting he did not even attend, but instead his brother and two females were there mocking residents as they spoke, rolling eyes, and texting furiously. At both meetings, they seemed very certain their plan was a done deal. This all made more sense when at a public meeting, Councilman Ollis made remarks praising the plan- which he clearly had seen, and disparaging the neighbors for being so difficult. How many council members are in cahoots with the developers? What about the deed restrictions on the land? The people of Springfield deserve transparency in this. And the city of Springfield needs to stop razing our history and do more toward preserving the remaining historical sites that we have.

Sincerely,

P. Dawe Mosley-Young

625 E Stanford

From: [Dawn Young](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Monday, December 5, 2022 8:43:09 AM

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

Hello,

I wanted to take a minute to let you know I am strongly opposed to a change in zoning at University Heights. As a 7 year resident there, I can tell you our neighborhood is a treasure. The eclectic mix of charming homes is unique to Springfield and should be treasured as a historical neighborhood. Further, the BKD design is grossly overlarge for that corner and would only add to the congestion of that corner. One landmark is already gone. Please maintain the residential only zoning to protect our neighborhood. This would be inline with the Forward SGF already adopted by the city.

I thank you for your consideration,

Dawn Mosley-Young
625 E Stanford St, Springfield, MO 65807

From: [Sutliff,Debbie](#)
To: Zoning@springfieldmo.gov
Subject: Rezoning at National and Sunshine
Date: Tuesday, October 25, 2022 2:44:09 PM
Attachments: [image731b09.PNG](#)

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

As a resident of University Heights for the past 12 years, I am expressing my opposition to the rezoning request for the corner of National and Sunshine. This is a historic neighborhood and should not be rezoned for commercial development. Any commercial development would increase traffic, decrease property values and increase noise. The four streets in University Heights will now become expressways to avoid the traffic congestion on National. This is already a problem on Portland where drivers speed down the street at 45-55mph.

Please consider how you would feel if this type of development was allowed in your neighborhood. Springfield's history should be preserved.

Thank you,
Debbie Sutliff
956 E. Portland Street
Springfield, MO

Debbie Sutliff MBA, RD, CSG, LD
Registered Dietitian, Nutrition Therapy
Phone: 417-269-4393 | Mobile: 417-988-5204
Debbie.Sutliff@coxhealth.com
coxhealth.com



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From: [Capeci, Dominic J Jr](#)
To: Zoning@springfieldmo.gov
Cc: [Council](#)
Subject: University Heights Neighborhood
Date: Wednesday, September 28, 2022 12:41:01 PM

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

As a resident of the University Heights neighborhood, I have lived in two different homes for many years. For the Planning and Zoning Commission to permit the corner of Sunshine and National to be re-zoned for commercial use clearly threatens every home north and west of that area, as well as those from Sunshine to Kimbrough. This is because in short order businesses on that corner will need more parking spaces, which can only be created by demolishing the homes presently fronting E. Sunshine, which will accentuate the need for developers to go to yet another tier of homes on East University

Clearly making those areas increasingly commercial will dissuade some people from wanting to live in University Heights, which would further wrongly reduce the viability and example of one of the most sought after neighborhoods in Springfield.

Wealth for a few should have its limits.

Sincerely

Dominic J. Capeci. Jr.
932 E. Stanford St,
Springfield, MO 65807

From: [Donal Dunbar](#)
To: Zoning@springfieldmo.gov
Subject: BK&M Rezoning Request in University Heights Neighborhood
Date: Thursday, August 18, 2022 8:30:04 PM

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

Dear Zoning Commission Representatives,

I am opposed to rezoning 1755 S National, 1745 S National, 1739 S National and 1138 University to commercial use from residential use. Per the community meeting on August 18, 2022, the developers, BK&M, LLC, failed to provide any detailed information on their plans except for indicating that they do not plan to keep, restore, and reuse the existing homes. It was clear from their comments that their plans would not preserve the nature of our historical neighborhood.

Thank you for your consideration,

Donal S. Dunbar
932 E Kingsbury St.
Springfield, MO 65807
Cell: 417-755-5706

October 26, 2022

The Planning and Zoning Commission
840 N Boonville Ave – 1st Floor
Springfield, MO 65802

Re: Protest to Proposed Rezoning in University Heights Neighborhood by BK&M, LLC

Dear Planning and Zoning Representatives,

I am writing to strongly encourage you to deny the rezoning request referenced above for several lots in my neighborhood owned or controlled by BK&M, LLC. As I understand it, based on the criteria you use to evaluate such requests, please consider the following:

1. Rezoning of these lots in question does not follow guidance in the city's existing Comprehensive Plan or the proposed Forward SGF Plan. These plans designate University Heights as strictly Single Family Residential. The official classification is "Residential Neighborhood – Traditional" and residents should be afforded the protections of such a designation without the encroachment of commercial enterprises.
2. There are no changing conditions which would make rezoning necessary. University Heights is enjoying some of the highest property values in its almost 100 year history and maintains among the highest property values of neighborhoods in Springfield proper.
3. University Heights has always been residential and has not had commercial development within its borders.
4. Any removal of lawns, trees, and grass would threaten further flooding in an area which already battles such problems with regularity.
5. The impact of uses, were rezoning done, is estimated to increase traffic by more than 1,000 cars per day on East University Street, which is a quiet, interior residential street where children play and families walk and cycle. Traffic at National and Sunshine is consistently congested, with cars already beginning to use E University as a cut through. Residents on E University currently struggle to enter or leave the neighborhood from their street at certain times of day. Such an effect would spread into the neighborhood with increased pressure from added commercial traffic due to the proposed rezoning.
6. Property values are also threatened from the proposed rezoning throughout the neighborhood. Such a reduction harms residents directly and the city indirectly over time as valuations fall for homes and, ultimately, property tax receipts as a result.
7. Commercial properties within the neighborhood increase the likelihood of ballooning crime, especially if a back road or access ally were installed with an outlet on E University Street. Problems with loud commercial trash storage and pickup would also be a disturbance to many neighbors.

I strongly appeal to you to deny the request for rezoning to commercial use from BK&M, LLC involving the properties in question which fall within University Heights Neighborhood boundaries. Help us preserve one of the shining examples of an iconic and treasured city neighborhood.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Donal S. Dunbar". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke extending to the left.

Donal S. Dunbar
932 E Kingsbury Street
Springfield, MO 65807

From: [Donna Carney](#)
To: Zoning@springfieldmo.gov
Subject: Proposed rezoning of property at National and Sunshine
Date: Monday, October 24, 2022 5:37:37 PM

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

To Whom It May Concern,

My husband and I have been residents of University Heights for thirty years now. We love the peacefulness of the neighborhood. We have been very concerned that the proposed rezoning at the corner of Sunshine and National could have a very negative impact on our neighborhood.

The traffic flow on both National and Sunshine is already at capacity. At peak hours of traffic, it is already almost impossible to turn left into the neighborhood of University Heights. If the proposed rezoning to commercial property is approved, the traffic would increase exponentially. If the rezoning proposal includes apartments above the retail development, the congestion at that corner could be impossible. No doubt, much of that traffic would end up in our neighborhood, seeking an alternate route to avoid traffic. And what quality of life would someone in apartments have at that corner???

Please consider the impact that this proposed rezoning might have on our neighborhood. I have not met a single neighbor that is in favor of this proposal. Please listen and respond to our objections.

Sincerely,

Donna and Jeff Carney
920 E Kingsbury

Historic Neighborhoods of Springfield Missouri



The History Of University Heights

The Early Years



The story of how the University Heights came into being has many twist and turns. Out of great pain and agony developed one of Springfield's favorite neighborhoods. So let's start at the beginning, John & Mary Phelps moved to Springfield in 1837. They had acquired over 1000 acres of land by 1856 surrounding what would later be the park. John was away a lot working as a lawyer or as a congressman. Mary, who was a fiery independent redhead, was bored with living in the city. So while John was away, she had a cabin built on their land south of town and started an apple orchard and farm

When the Civil War broke out John enlisted in the Union Army leaving Mary behind to work the farm. On August 8, 1861 the Battle Of Wilson Creek occurred changing Mary's life forever. John had to retreat with the Union troops to Rolla, Mo. Their good friend General Nathaniel Lyon was killed in the battle and his body was taken back to Springfield. Mary had a coffin built and took his body back to the farm and hid it in the cooling house. We believe that the cooling house was located around where Virginia and Portland are in Phelps Park Terrace today.



John S. Phelps

The Confederates came through and commandeered the farm and forced Mary to treat their wounded. She did till the Union troops made it back to Springfield and forced the Confederates south. She gave the Union soldiers General Lyon's body to be taken back to his family for a proper burial.

Mary would have more encounters with the Confederate army making her life on the farm tough



1625 E. Primrose Springfield, Missouri 65804 417-224-4573

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Cont....



for her and the children. And on top of everything else, she also found herself taking care of war orphans wounded Union soldiers. After the war Congress gave Mary 20,000 to start an orphanage. It was located on the corner Campbell and Sunshine just south of Price Cutter. There is a marker about her the

orphanage/school on the SW corner of Sunshine School today.

During the Civil War John would become a Lt. Col. and eventually Military Governor of Arkansas. Afterwards In 1876 he became the 23rd Governor of Missouri spending a majority of his time in St. Louis. While in St. Louis, Mary dies of pneumonia in Springfield on Jan 25th 1877. John retires as Governor in 1881. He later died in St. Louis in 1886 and was brought back to Springfield to be buried in Hazelwood Cemetery.

For more information about the life and times of John and Mary Phelps I highly recommend reading ~ *Mary, Mary Quite . . . The Life and Times of Mary Whitney Phelps 1812-1878* by [Jerena East Giffen](#)



Mary W Phelps



After the death of their father, the land was passed to his children Mary Phelps Montgomery, Edith Phelps, Lucy Phelps & John S Phelps. Ten years later John S Phelps sold the land to Mary Bunel in 1897.

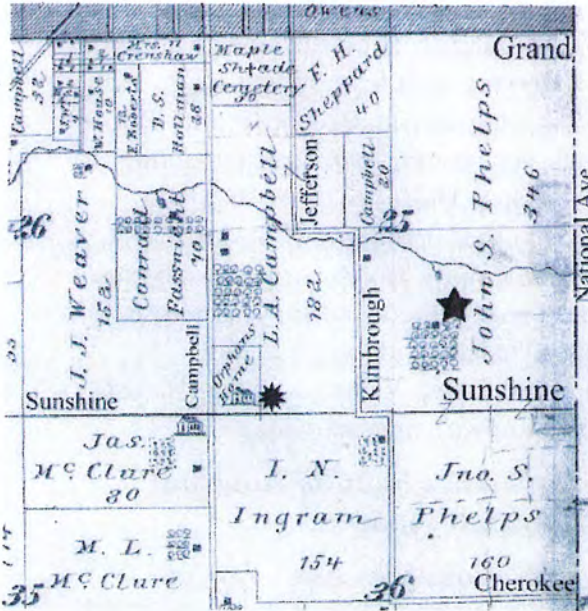
Mary was under the guardianship of John O'Day as he was representing her in a court battle with her half-brother over \$250,000 estate left by their grandfather. She had received \$75,000 through the court and he was helping her invest the money. The battle went on for years between her and her half brother Henry Napoleon Bunel as well as the claim to this land. In 1904, Mary sold the land to James M. White a well known funeral director.



Cooling office house in which General Lyon's body was kept after the Battle of Wilson's Creek

Photos Courtesy Of The Greene County Archives & Johnson Family Collection

Historic Neighborhoods of Springfield Missouri



1876 Springfield Map Greene Co Archives

Commercial Street in 1904. Mr. White invested in land all over Greene County and was involved with many social groups and was the coroner for a while. He was a widower and had three children Maude Summerfield, Estella White and Mary Speaker. In September of 1909 at the age of 59, Mr. White married Agnes Stanton age 18. His daughters were none too happy, as their new stepmother was younger than they were. To make matter worse after a being on their honeymoon for a month and half, Mr. White died the next day.

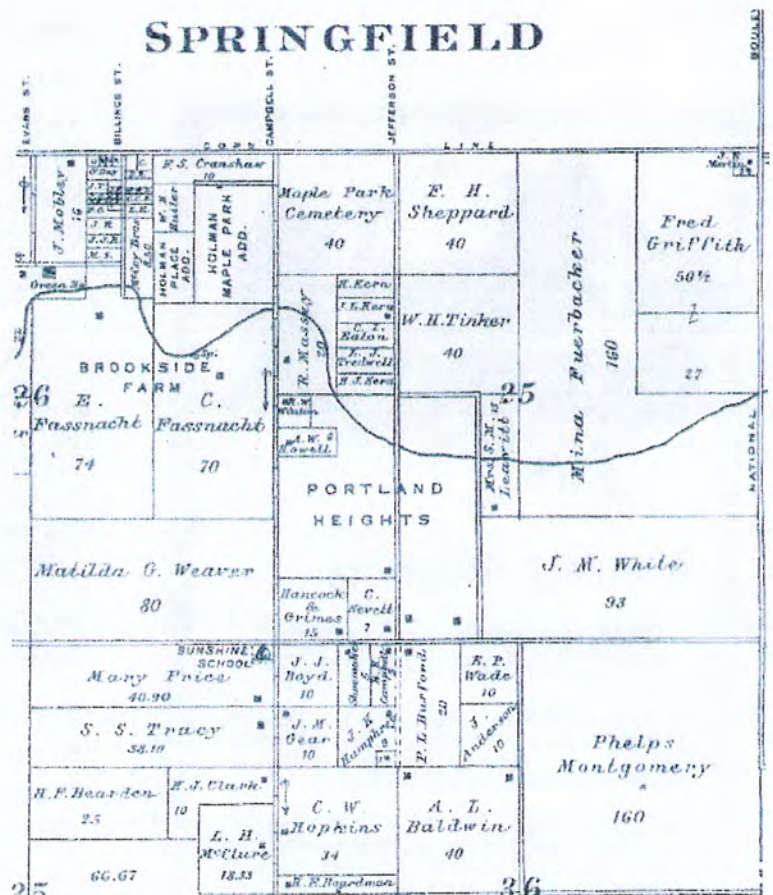
A court battle between the heirs over the estate took place from 1909-1920 going all the way to the Missouri Supreme Court.



During March through June of 1925 all of the parties would sell their land to Eloise Mackey (a book keeper at State Savings Trust) for the tidy sum of \$37,500.00

State Saving Trust had the subdivision plotted by C. E. Phillips, civil engineer on June 13th 1925.

This is how "University Heights", one of Springfield's best-loved neighborhoods began.



1904 Springfield Map Greene Co Archives

Springfield Republican August 18th 1905

Historic Neighborhoods of Springfield Missouri



In the spring of 1925 State Savings Trust Company started marketing University Heights in earnest. They had a tagline for the development "A look means a lot." It was a restricted development; you could only build a home of Brick Stucco or Stone. You could purchase a lot for \$50-100 down and then pay \$10 a month at 7%. Each lot came with 2 hard maple trees; they planned to plant 1000 maple trees. The lots would have city water, gas, electric & sewer. Below is one of the early newspaper ads for University Heights from the Springfield Republican July 26th. 1925.



Everything Points to
UNIVERSITY HEIGHTS

As the Safest Spot for your home if you have future development in mind. You build your home not for days, but for years. You protect the investment with the assurance of permanency of good location.

That is what we offer you, that is what is safe guarded in UNIVERSITY HEIGHTS by our building restrictions and our exacting standards of qualifications to become a Home-Owner in this community. A beautiful spot along the trail of future residential development. Reasonable prices. Easy terms. Two beautiful bungalows are now being built in this addition.

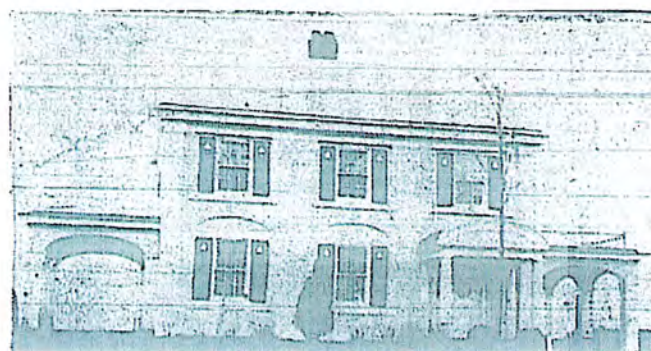
STATE SAVINGS TRUST CO.
155 N. S. Square Sales Agents Phones 2357-2358

I will now try to put into some chronological order the houses that were built from **1925~1935**. The information was taken from Greene County Tax Record books, census data, city directories and newspaper articles. There are times that they contradict each other; I will try my best to sort it out. The Greene County Tax Records show home that were built as of June 1st of the year before. I will present the existing address and old (pre-1948), Lot number, Value (tax value or cost), who built it (if known), and 1st owner.

There were 5 homes built by June 2nd 1925 and June 1st. 1926.

1745/2015 S National Avenue - Lot 11 -
\$4,500 tax value /18,500 sales price - Built by J.F. Sawyer. Built for Edgar P. & Mary E. Mann ~ Mann & Mann Attorneys at Law. They moved into the home around the middle of 1927.

See home below – SGF Daily News – 1/1/1928



1140/940 E Stanford St – E1/2 of Lot 16 -
\$1,600 tax value - Built for Griffith K & Mildred Bonham ~ Department Manger Springfield Grocery Company.

1116/910 E Portland St - W 1/2 of Lot 21 -
\$1,600 Tax Value. Built for William A. & Luite Dyche. ~ Employee at Herman Brownlow Auto Parts & Saddlery.

Historic Neighborhoods of Springfield Missouri



1111/901 E University St. – E 1/2 of Lot 31 -
\$1,800 Tax Value – Built by State Savings Trust Co.
Acquired by Price Johnson ~ Stage Carpenter at the
Landers Theater.

612/512 E Portland St. – W 1/2 of Lot 148 -
\$1,400 Tax Value - Built by C. E. Hart ~ Acquired by
Hugh M. & Edna Prewitt ~ Employee at G&D
Radiators. They bought the home around the middle
of 1927.

***There were 3 homes built by June 2nd 1926
and June 1st. 1927.***

1000/800 E Stanford St. – W 1/2 of Lot 64 -
\$1,300 Tax Value – Built for Griffith K. & Mildred
Bonham ~ Department Manger Springfield Grocery
Company. This is their 2nd home in the
neighborhood.

900/700 E Stanford St. – W 1/2 of Lot 96 -
\$900 Tax Value – Built for State Savings Trust Co.
Acquired by John C Bridger ~ VP of John H. Bridger
Grocer Co. in 1927/28.

908/708 E Stanford St. – E 1/2 of Lot 96 - \$900
Tax Value – Built for State Savings Trust Co.
Acquired by Glenn & Ora Magruder ~ Contractor in
1927/28.

***There were 3 homes built by June 2nd 1927
and June 1st. 1928***

1755/2012 S. National Avenue - Lot No. 12 -
\$5,550 Tax Value – Built by J.F. Sawyer for State
Savings Trust Co. Sold to Orion R. Palmer ~
Secretary & Treasurer of Standard Motor Company
(Chevrolet/GMC). He acquired the home in Spring of
1930.

955/ 759 E Stanford St. – E. 84ft of Lot 72 -
\$2,670 Tax Value – Built for Norris L. & Gladys L.
Fellows ~ President of Fellows Auto Storage.

***There were 5 homes built by June 2nd 1928
and June 1st. 1929***

1715/1915 S. National Avenue – Lot 8 -
\$5,500 Tax value – Built for Edward M. & Mary
West ~ President of Rebori Fruit Company.

1110/910 E Stanford St. – E 1/2 of Lot 32 -
\$2,150 Tax Value - Built for Richard G & Beatrice
Johnson ~ Foreman Frisco Railroad.

1101/901 E Stanford St. – W 1/2 of Lot 33 -
\$3,150 Tax Value – Built for Lucas A & Polly Weeks
~ V.P. & Manager of Hedges Weeks Construction
Company.

Below is one of the early newspaper ads for
University Heights from the Springfield Republican
August 23rd. 1925.

**Build For Beauty
Plan For Permanency**

In a beautiful home in UNIVERSITY HEIGHTS. That
is what you will do when you buy or build your own home.
There is no use in trying to be contented with unfavor-
able conditions.

We'll be glad to show you a home site in UNIVERSITY
HEIGHTS where you can build a home for your family
in an ideal environment.

"A Look Means a Lot."

State Savings Trust Co.
SALES AGENTS
155 N. S. Square. Phones 2357-2358

Historic Neighborhoods of Springfield Missouri



925/725 E Sunshine St. – E ½ of Lot 92 - \$1,150 Tax Value – Built for G. Pearson & Maurine Ward ~ Radio Engineer Martin Brothers Music.

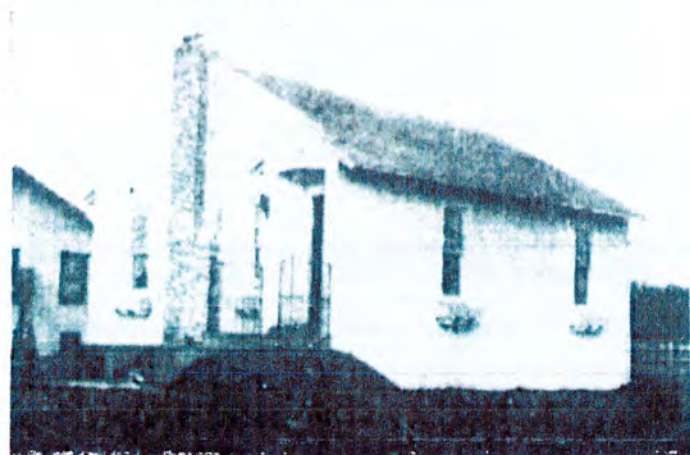
815/639 E Stanford St. – W 76ft of Lot 104 - \$2,850 Tax Value – Built for J. Bryant & Bonnie McCarty ~ President of J.B. McCarty Company - they moved in late 1929/early 1930. See photo below.

SGF Leader 2 23 1930



1622/1850 S. Kimbrough Avenue – S 90ft. of Lot 150 - \$1,500 Tax Value - Built by Ward Morgan for State Savings Trust Co – Acquired by Frank M. & Mary Jane Crookes ~ Chief Clerk of Tide Water Oil Sales Company. They purchased the home in the spring of 1930. See photo below

SGF Leader 12 2nd 1929



There were 5 homes built by June 2nd 1929 and June 1st. 1930

1111/911 E. Sunshine St. – E 50 ft. of Lot 29 - \$1,900 Tax Value – Built by Louis Lebovitz. Acquired by Ralph & Geradine Voris ~ Teacher at State Teachers College (SMS). See below

SGF Leader 8 4 1930



826/658/644 E Stanford St. – E 54 ft. Lot 105 - \$2,100 Tax Value – Built by E.R. Skates. Acquired by James H. Georgia Doris ~ Doris & Dieterman Electric Company. See below

SGF Leader 7 14 1930



Historic Neighborhoods of Springfield Missouri



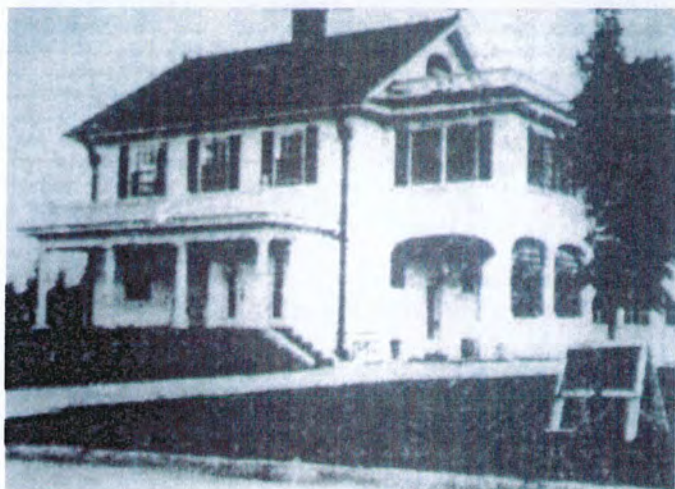
1616/1814 S Kimbrough Avenue – N 58 ft. of Lot 150 - \$1,425 Tax Value - Built for State Savings Trust Company. Acquired by Russell C. & Fontella Harris ~ Station Superintendent for Philips Petroleum.

1634/1900 S. Kimbrough Avenue – N 1/2 of Lot 151 - \$1,350 Tax Value – Built for State Savings Trust Company. Acquired by Jack & Mildred Acuff ~ Official Engineer Missouri State Highway Commission.

1640 /1930 S. Kimbrough Avenue – S 1/2 of Lot 151 - \$1,350 Tax Value - Built for State Savings Trust Company. Acquired by – Russell D & Irene Burns ~ City Manager Shell Petroleum.



There were 11 homes built by June 2nd 1930 and June 1st. 1931



1109/909 E Stanford St. – E 1/2 of lot 33 - \$4,650 Tax Value – Built by J.F. Sawyer – Acquired by Frank L. & Bessie Robertson in 1932 ~ Secretary & Treasure of Robertson Grocery Company
See below – SGF Leader 8 17 1931

1041/843 E Stanford St. – W 15ft of lot 40 & E 50ft of Lot 49 - \$6,500 Sales Price / \$2,350 Tax Value – Built by William Eastern – Acquired by Otto & Madge Herrick in 1932 ~ Sam Herrick & Sons Auto and Transfers.
See below – SGF Leader 8 17 1931



932/732/714 E Stanford St. – W 1/2 of Lot 80 - \$8,000 Sales Price - \$2650 Tax Value- Built by J.C. Graves. Acquired by Eugene A Geraldine Martin Jr. ~ Secretary of E. A. Martin Machinery Co.
See Below – SGF Leader – 12 15 1930



635/545 E Stanford St. – E 58ft of Lot 136 - \$6,000 Sales Price / \$2,100 Tax Value – Built by Herman E Dunaway – Acquired by Harry & Bertha Logan ~ Salesman.

Historic Neighborhoods of Springfield Missouri



625/525 E Stanford St. - E 24ft of Lot 145 & W 34ft of Lot 136 - \$6,000 Sales Price / \$2,100 Tax Value - Built by Herman E Dunaway - Acquired by - Roderick F. & Helen Hauck ~ Baker at Colonial Baking Company.

Both 625 & 631 E. Stanford or pictured below
SGF Leader - 7/20/1931



619/515 E Stanford St. - E 58ft W 116ft of Lot 145 - \$6,000 Sales Price / \$2,100 Tax Value - Built by Herman E Dunaway - Acquired by Samuel H & Margret Paul ~ Secretary & Treasure of Finkbinder Transfer Company

613/505 E. Stanford St. - W 58ft of Lot 145 - \$6,000 Sales Price / \$2,100 Tax Value - Built by Herman E Dunaway - Acquired by Thomas O. & Hazel Campbell ~ Salesman

619/525/521 E. Kingsbury St. - E 53.81ft W 123.75ft of Lot 147 & E 53.81ft W 123.75ft of Lot 147 - \$2,100 Tax Value - Built by Jesse M. Cain - Acquired by - William H "Ted" & Margret Butler ~ Insurance

611/517 E Kingsbury St. - W 1/2 of Lot 147 - \$2,100 Tax Value - Built by Jesse M. Cain - Acquired by - Clarence L & Ida Jones ~ Decorator Springfield Gas & Electric.

Both 617 & 619 E Kingsbury below
SGF Leader - 4 /27/1931



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Historic Neighborhoods of Springfield Missouri

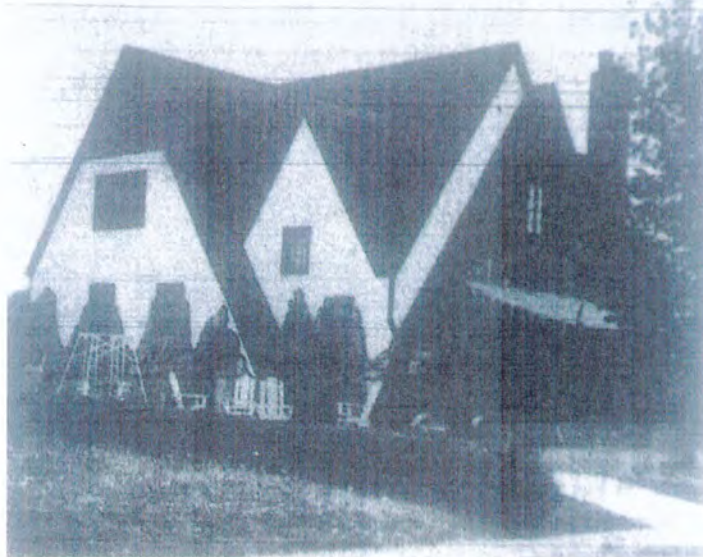


1710/2010 S. Kimbrough Avenue - S 60ft W 20ft of Lot 144 & S 60ft of LOT 153 - \$3,300 Tax Value - Built by Clarence W. Batchelder - Acquired by - Ray M. & Manie E. Read ~ Mechanic at Keller Dental Supply. SGF Leader 11-23-1931 ~ see below



There were 8 homes built by June 2nd 1931 and June 1st. 1932

1130/930 E Stanford St. - W 1/2 of Lot 16 - \$2,650 Tax Value - Built By Joseph Gardner - Acquired by Wesley R & Treva Hawkins ~ Credit Manager Welsh Packing ~ See below



1033/833 E Stanford St. - W 1/2 of lot 49 - \$6,500 Sales Price - \$2,350 Tax Value - Built by William M. Eastern - Acquired by Ralph & Cecil M Fiedler ~ Mechanic at Herman Brownlow See Below - SGF Leader 9/20/1931



940/740 E Stanford St. - E 1/2 of Lot 80 - \$7,500 Sales Price - \$2,650 Tax Value - Built By William M. Eastern - Acquired by Harry P & Callie Gray ~ Vet. See below - SGF Leader 1/25/32



919/719/721 E Sunshine Street - W 1/2 of lot 92 - \$5,000 Sales Price - \$1,350 Tax Value - Built by Claude Herndon - Acquired by Virgil R. Spencer ~ Clerk Purity Oil Company

Historic Neighborhoods of Springfield Missouri



724/624/642 E Stanford St. – E 1/2 of Lot 121 -
\$2,125 Tax Value - Frank E. & Glades M. Davidson ~
Agent at Tidewater Oil Company

635/535 E University St. – E 1/2 of 138 - \$2,100 Tax
Value – Built By Clarence W. Batchelder ~ Acquired
by William W. & Lula R. Carnagey Jr. ~ Salesman at
Harry Cooper Supply

614 /510 E Stanford St. - E 60ft of W 80ft of Lot 144
- \$2,100 Tax Value – Built by Herman Dunaway –
Acquired by Bert L & Clara McCoy ~ Salesman at
Harry Cooper Supply

1700/2000 S. Kimbrough Avenue - N 80ft W 20ft of
Lot 144 & N 80ft of LOT 153 - \$2,970 Tax Value –
Built by Clarence W. Batchelder & George W. Grace
– Acquired by – Mitchel L. & May Doris ~ Secretary
& Treasure of Springfield Grocery Company. See
below.

SGF Leader 6 30 1931

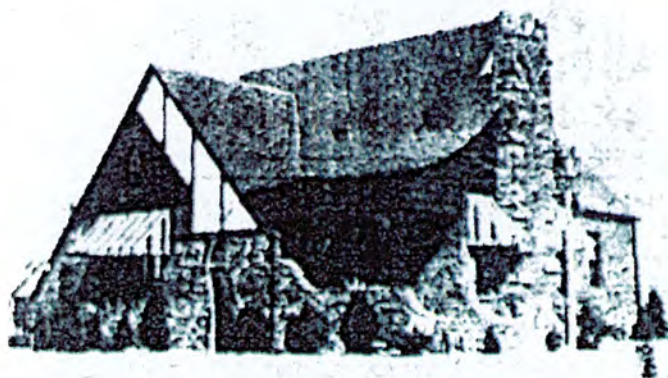


***There were 3 homes built by June 2nd 1932
and June 1st. 1933***

945/745 E. University St. – E 1/2 of 79 - \$3,150 Tax
Value – Acquired by T. Frank Brown ~ VP of
Goblebe-Friend Lumber

800/634 E Stanford St. – W 1/2 of 112 - \$3,500 Tax
Value – Acquired by C. Harry & Bessie Bergstrom ~
Boilermaker at the Frisco Railroad and Bessie was a
teller at Union National Bank

1720/2020 S Kimbrough Avenue - Lot 154 & S 70ft
W 20ft of Lot 143 - \$2,500 Tax Value - Built by
Clarence W. Batchelder & George W. Grace –
Acquired by – James J & Ann Corbett ~ Division
Engineer Missouri State Highway Commissioner. See
below. SGF Leader 3/21/1932



***There were 6 homes built by June 2nd 1933
and June 1st. 1934***

1139/931 E University St. – E 1/2 of Lot 15 - \$1,900
Tax Value – Built by Carl A. Bissman – Acquired by
Rex M. & Callie Whitton ~ Emp. of Mo. State Hwy.
Commission

1119/919 E Sunshine St. – Lot 28 - \$2,200 Tax Value
– Acquired by Paul C. & Eileen Jackson ~ Music
Teacher

1033/817/801 E. Sunshine St. – W 1/2 of Lot 45 -
\$2,000 Tax Value – Acquired by Ralph & Myrtle
Langston ~ Commissioner of Health & Sanitation.

1031/ 831 E. University – W 1/2 of Lot 47 - \$2,300
Tax Value – Built by Carl A. Bissman – Acquired by
Paul M. & Corinne Marshall ~ Principle at Jarrett Jr.
High School.

Historic Neighborhoods of Springfield Missouri



1020/820 E. University – E 125ft of Lot 59 –
\$2,965 Tax Value - Built by Carl A. Bissman –
Acquired by John W. & Pearl M. Soper ~ Springfield
Pie Company.

1011/803 E Stanford St. – E 1/2 of Lot 65 - \$2,600
Tax Value – Acquired by Paul C. & Alice M. Graves
~ Foreman International Harvester.

926/726 E. University St. – E 1/2 of Lot 91 –
\$2,000 Tax Value – Acquired by Ralph J & Verna
Poschel ~ Carpenter at Frisco Railroad.

***There were 2 homes built by June 2nd 1934
and June 1st. 1935***

920/720 E Stanford St. – W 1/2 of Lot 89 - \$3,375
Tax Value – Built by Carl A. Bissman – Acquired by
Ben H. & Helen Lammers ~ Lammers Insurance. See
below ~ SGF Leader – 10/28 1934



This house was built in the fall of 1935

1001/ 801 E. University – W 1/2 of Lot 63 -
\$2,750 Tax Value – Built by Carl A. Bissman –
Acquired by - Paul H. & Edith Darby ~ Auditor
See Below

SGF Leader 8/11/1935



920/720 E. University St. – W 1/2 of Lot 91 - \$1,975
Tax Value – Acquired by – Alfred & Jennie Page ~
Attorney

903/703 E. Stanford St. – W 1/2 of 97 - \$11,000
Sales Price - \$1,875 Tax Value – Built by J.F.
Sawyer – Acquired by Stanley C. & Hazel Oliver ~
Teacher at State Teachers College (MSU).



University Heights in 1936 Only Stanford & University are paved.



* Courtesy of digitalcollections.missouristate.edu



Help Build a Stronger Neighborhood

The University Heights Neighborhood Association is all about celebrating and protecting everything that makes our neighborhood the unique, vibrant community it is. But we need your help.

By becoming a member, you can help:

- work with city officials directly on issues that concern us;
- create a vision for our neighborhood;
- participate in beautification and clean-up efforts;
- help make our neighborhood safer;
- get to know your neighbors better through events.

All of this for just \$10 per household per year or \$25 per business or nonprofit per year. Our membership year runs through June 30, 2023. Any household, business or nonprofit within the boundaries of Brookside/Bennett Street, National Avenue, Sunshine Street and Campbell Avenue is welcome.

Joining is simple: Just fill this out and mail it with a check payable to UHNA c/o treasurer Donelle Blubaugh, 1525 S. Kimbrough Ave., Springfield, MO 65807. You also can join online at <https://www.universityheights-sgf.org/join-uhna/> For more info, email president Jan Peterson at uhnasgf@gmail.com or call 417-838-6216.

Name(s): _____

Address: _____

Phone: _____

Email: _____

Historic Neighborhoods of Springfield Missouri



"We never set out to be the largest real estate company, just the best." -Patrick Murney



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Since opening our doors to Murney Associates, Realtors, "The Home Office" in 1997 with 7 determined agents we have maintained the same philosophy-"to exceed our client's expectations." The founders recognized the need for a firm to be locally owned and that is in tune with the Springfield, Missouri real estate community.

Murney Associates has achieved the highest ranked positions in local market share for 14 years in a row, and listens to the needs and wants of our clients. Murney Associates offers all of the advantages of a national company while providing knowledge, expertise, and benefits of local ownership. For the 14th year in a row Murney Associates, Realtors has been named one of the Top 100 real estate firms in the United States. Serving Springfield and the Southwest Missouri real estate markets, Murney ranked 90th in the survey of America's Top Power Brokers in 2013. Murney is not only nationally recognized, but it has evolved into Southwest Missouri's number one residential real estate company with its four state-of-the-art offices, over 400 sales associates, and over \$700 million in annual sales volume.

Agent recruitment was never the priority but both new and experienced agents have joined Murney to be among the best of the best in our industry. Our agents are trained professionals who provide the client with the best real estate experience and advice when buying or selling their home. With more satisfied customers and the majority of market share, we continue our expansion in the local marketplace. With Murney offices in four convenient locations to serve you, your real estate expert is always close to home!

Selling Springfield's History ~ One Home At A Time



RICHARD CRABTREE
REALTOR®

MURNEY ASSOCIATES
REALTORS

1625 E. Primrose Springfield, Missouri 65804 417-224-4573

When I moved to Springfield in 1997 I fell in love with beautiful historic homes in the Phelps Grove, Rountree, & University Heights area. They reminded me of the neighborhoods in St. Louis Area that have a sense of community and pride. My wife & I have been blessed to be able to restore five homes in the area, one built by Carl Bissman and other one by C.W. Batchelder. We are currently restoring a fifth home an Airplane Bungalow in Rountree. The neighbors in these older neighborhoods know I have a deep passion and love for our neighborhoods and their history. Since 2007 I have been doing extensive historical research on our homes and neighborhoods. If you ever would like to find out more about your home's history, stop by at one of my open houses or just give me a call.

I joined Murney Associates in 2009 so that I could fully utilize my previous 16 years of professional sales experience, my passion for history, and knowledge of restoring historic homes to help my clients develop a winning strategy to achieve their goal of buying or selling a home. If you and or a neighbor need the services of a realtor who has been successful in helping clients buy and or sell homes in the historic neighborhoods of Springfield, Missouri.

Email ~ rcrabtree@murney.com ~ Office 417-823-2300 ~ <https://richardcrabtree.murney.com>

This is not intended as a solicitation towards potential buyers or sellers who already have an exclusive agency agreement

Thursday, September 22, 2022

Dear Planning and Zoning Commissioners,

I write regarding Commission Case No. Z-23 2022 with conditional overlay district No.220 on the October 6, 2022 Planning and Zoning calendar. This is a request to rezone a section of University Heights (UH), a residential neighborhood, and turn it into a General Retail area with apartments/lofts above. The proposal involves five properties, three large historic homes facing National, a fourth within the neighborhood's interior street, E. University, that a couple working at Mercy were actively adding an addition to (with permits) until the developers convinced them to sell it, and a fifth facing Sunshine which the developers are suing to gain as it is owned by a couple, and one of the parties does not want to sell; there is also a small patch of land adjacent to that home.

There are numerous reasons this re-zoning proposal should be disallowed.

University Heights is a Traditional, R-SF Neighborhood - University Heights is a Residential Single Family-Traditional Neighborhood, as **clearly designated in both the Vision 2020 Comprehensive Plan and now Forward SGF**. We trust the efforts of countless citizens, city staff, paid experts and tax-payer dollars that went into developing these plans. I participated in creating both of these plans and my husband worked on Vision 20/20. In both maps and relevant text from these documents as well as the Land Use chapter of Forward SGF, University Heights is marked a residential only area. Further, quoting from the beginning of Forward SGF: **"Forward SGF Comprehensive Plan will be a tool used by the City to direct future growth and development. Additionally, the Plan can be used by community leaders to make policies and decisions that shape our region. For example, if someone wanted to develop new housing options on the west side of Springfield, the Planning and Zoning Commission will look at the Comprehensive Plan to determine what types of housing should be prioritized in that area of the City before approving the development."** Trusting this, and many other components of these plans, University Heights is intended *to remain the vibrant, historic, R-SF neighborhood it is now*.

There Are No Changing Conditions Making Re-Zoning Necessary – UH Remains a healthy, stable, neighborhood. Developers have made claims that the property on the corner of Sunshine and National must be destroyed because it was not purchased after being for sale for a long period of time. In fact, however, owners of the house refused to sell it to interested private parties, with the idea that a developer would overturn the residential zoning and make them a much higher offer. This house *can* be sold to residents at a residential price.

To further underscore the residential usability of this particular property, it has been leased and enjoyed until last week, by residents who invested in repairs, decorated, and took good care of the home until they were suddenly evicted by the developers who began blighting the house at night, boarding the windows, and spray painting 'keep out' on the boards and the newly-painted, shining red door. The residents were forcibly moved by the developers to the next door property and have said they just don't understand why the developers would do that.

Destruction of Property Values – The intrusion of retail strip centers into residential neighborhoods is well known to immediately devalue private property. This is true nationwide and has an effect similar to inverse condemnation. Conversely, “zoning helps protect the local environment and helps keep property values stable” (Millman National Land Services/Nationally Recognized Land Surveyors and Zoning Experts). Currently, UH boasts some of the highest-per-square foot property values in the City. A newly-renovated home (1721 S. National [north corner of E. University and National]) directly across the street from the most impressive and perfectly maintained of the homes the developers seek to destroy (on the corner of University and National [1739 S. National]) sold two weeks ago for just under **\$700,000**. It was purchased by a couple from Kansas City, one of whom is vice-president of a large accounting firm here in Springfield which merged with their Kansas City company. Can you imagine the devaluation, and perhaps uninhabitability, of their home should a parking lot and strip center be erected directly across from them and on the INTERIOR of E. University? Then there is the young couple immediately to the west of 1721 E. University who moved in one week ago from Rountree because the high-rise student buildings and proliferation of student rentals created by devaluation of property as a result of perimeter retail development, have made it undesirable to her and not some place she and her husband want to raise a family. She has called me, texted me and come to my house in great distress seeking help and assurance that this is not happening to her and her husband before they even unpack their bags. The view that is dead center from their front yard is one of the houses slated to be razed by the developers with an alley/back road put in its place.

Dangerous Traffic Safety Issues -

According to City traffic assessments, the four-way intersection at Sunshine and National is the second busiest in our city. The current residential perimeter is arguably the strongest, and perhaps only, **tangible condition** helping to protect travelers. This residential perimeter PREVENTS a mass of INGRESS/EGRESS on Sunshine and National and on all of the interior streets comprising University Heights and Phelps Grove Neighborhoods. This point cannot be overstated or overlooked; the safety of all of us depends on it.

A second dangerous traffic-safety issue that would arise from rezoning this area, and most importantly re-zoning the actual interior of E. University, is the intrusion, according to a recent estimate, of a 1,000 vehicles daily down E. University Street. This is a neighborhood with children playing and people walking and jogging throughout the day and evening. Due to the increase in population in Springfield over the past 10 years and new retail (about 50% stands empty) saturating the North side of Sunshine starting on the northeast corner of Sunshine/National then heading East, as well as intense new commercial development starting on and surrounding the corners of Sunshine/Campbell (e.g. Wonders of Wildlife, Canes Chicken, Wendy's, Mercy, Chick-fil-A, Starbucks, McDonalds), E. University and other UH/Phelps Grove neighborhood streets are already being used as “cut throughs” to avoid the constant traffic jams at the corner of Sunshine/National. Growth is important. Commercial development is important to our sustainability as a city. But we must have balance and be wise about where we allow it. We simply cannot divert more traffic to these neighborhoods. It is not safe and is not wise. No neighborhood should be “a dumping ground.”

Potential for Spike in Vagrancy, Homelessness Congregation and Crime – Problems with vagrancy, homelessness congregation and crime will invariably increase if these homes are torn down, parking lots erected and a back alley/road is cut through the interior of UH. Currently, people without transportation released from Mercy Hospital's Marian Center typically walk down Sunshine and National but only pass by, as homeowners are vigilant in contacting police if there is behavior of concern. If homes were destroyed and home owners removed from the equation on these crucial corridors, an environment would be created for this population to stay. Sadly, the state of people we seeing leaving on foot does makes if frightening and unsafe for them to congregate in UN. This new environment would also consist of loitering, drug use, and a place for other criminal activity; these phenomenon can be seen anytime day or night downtown and at the intersections of Sunshine/Campbell. We cannot allow this activity to happen inside UH. It is unconscionable.

Of course there are many additional reasons this proposed re-zoning is dangerous and unwise, such as the inevitable increase in flooding of homes in UH (a flat land issue the city is very familiar with) due to what would be a new, massive removal of land and trees. There is the fact that the homes the developers wish to raze are the *entrance* to UH, a "calling card" and a visually remarkable gateway to important areas of our City such as the Springfield Art Museum, recently awarded \$3 million in capital funds from the City's American Rescue Plan Act, and \$5 million from The Sutherland Foundation for expansion. UH is an outstanding example of artistic excellence showcasing some of the finest architecture in Springfield. Along with its neighbor to the north, Phelps Grove, it must remain intact and in harmony with our new museum and other positive investments in our City such as the Fassnight Creek Greenway trail connection from the Museum grounds through Phelps Grove Park, to Fassnight Park. To undermine the integrity of this area of Springfield would be a short-term, hypothetical gain for a few, at the expense of long-term profit for the entire City.

Enclosed please find several documents:

1. A color image of the house that sits on the corner of National and E. University, occupied by a second generation owner until recently when the developers offered to buy it. The seller recently stated he was under the impression it was being purchased by an individual to live there, as the developers purchased the valuable antiques.

2. A color packet of images and history of UH homes and the neighborhood.

3. Copies of protest petitions signed by the owners of the property within 185 feet of the proposed re-zoned area. (three not in this packet will be delivered next week)

With signatures from owners representing 30% of all property within 185ft. of the proposed re-zone area, six out of nine City Council members must vote in favor of the re-zone in order for it to pass. *These signatures represent greater than 30%.*

4. A collection of 176 signatures of UH residents expressing their desire to retain R-SF status. A number which will rise as we continue to collect signatures. While this is not part of the legally-binding protest petition, it is shared to demonstrate the earnestness of residents to maintain our designated R-SF status.

Thank you, Commissioners, for your serious consideration of this information.

Allowing this proposed tear down and the erection of an unnecessary multi-level retail center, whose harms would be exacerbated by second or third story apartment/lofts towering over the beautiful homes directly adjacent to them, is something UH and Springfield in general strongly opposes. Traffic dangers, a crime increase, flooding and destruction of property values are obvious reasons for this opposition. Even a Springfield Business Journal poll asking the question: "Do you support demolishing these homes to make way for a mixed-use development?" resulted in a majority "no" vote. When making your decision, I ask that you consider the painful consequences of a "yes" vote.

With thanks,

Donna Hemann

1039 E. University Street

Member – University Heights Neighborhood Association

3 year Member - University Heights Neighborhood Association Board of Directors



University Heights Residents Petition to Keep the Neighborhood
Zoned R-SF (Single Family Residential) Springfield, MO.

Name

Address

Signature

Cassandra Lynn

1205 E University St

Cassandra Lynn

Susan D. Ray

1211 E. University St
417 569 2711

Susan D. Ray

John Stinson

1110 E. Stanford St.

John Stinson

James Jeffries

1109 E Stanford St.
417-569-7733

James H Jeffries

Lindsay Rowell

1057 E. Stanford St.
417-848-4748

Lindsay Rowell

Steven Cal Rogers

1049 E STANFORD
417 779 0002

Steven Cal Rogers

Nicole Mussey

1041 E Stanford
573-489-9338

Nicole mussey

Michael Gavin

1025 E STANFORD
417-315-3479

Michael Gavin

Angela Cooper-Cavin

1025 E STANFORD
417-224-0717

Angela Cooper-Cavin

Shannon Fields

1011 E Stanford St
417-619-7057

Shannon Fields

Don E Allen

1001 E Stanford St
417-363-9183

Don E Allen

Steven I Bishop

1001 E Stanford
417-300-6987

Steve Bishop

Jackie Moore

925 E Stanford St

Jackie Moore

University Heights Residents Petition to Keep the Neighborhood
Zoned R-SF (Single Family Residential) Springfield, MO.

Name

Address

Signature

Nicole Anderson

825 E. Stanford St.

Nicole Anderson

Sommer Wakefield

815 E Stanford St

Sommer Wakefield

Paul Young

805 East Stanford
65807

Paul Young

FRAN M. Young

805 E. Stanford St
Sgt. 65807

Fran M. Young

Martha A Owens

725 E Stanford St

Martha A Owens

Patricia Smith

619 E. Stanford St
573230-3274

Patricia Smith

Alan Munde

430 E Stanford

Alan Munde

Robert Sherman

1720 S. Kimbrough

Robert Sherman

Cindy Sherman

1720 S. Kimbrough
417-848-9225

Cindy Sherman

Will Stanford

926 E University

Will Stanford

NICK REBISH

932 E UNIVERSITY
417. 837. 9779

Nick Rebish

Sarah Simmons

1830 E. Stanford

Sarah Simmons

Grace St. Pierre

956 E. Stanford

Grace St. Pierre

BILLY KIMMONS

940 E. STANFORD

Billy Kimmons

Michelle Phillips

922 E. Stanford St.

Michelle Phillips

University Heights Residents Petition to Keep the Neighborhood
Zoned R-SF (Single Family Residential) Springfield, MO.

<u>Name</u>	<u>Address</u>	<u>Signature</u>
Rodney B Foltz	718 E. Portland	Rodney B Foltz
Paula Thompson	810 E. Portland	Paula Thompson
Stephanie Hein	940 E Portland	Stephanie Hein
Susan Kirkpatrick	1214 S Virginia	Susan Kirkpatrick
Ann Cathlin SEAMUS MCKENZIE	Leto P. University 1122 E UNIVERSITY	Ann Cathlin
Lindsay Fitzgerald	620 E Stanford St	Lindsay Fitzgerald
STEPHANIE SHADNICK	1101 E. STANFORD ST.	Stephanie Shadnick
Lois Shufeldt	1008 E. Kingsburg St	Lois Shufeldt
Judy Stanfill	926 E University	Judy Stanfill
Angela Anderson	700 E Portland	Angela Anderson
Kim Whaley	801 E. Sunshine	Kim Whaley
Sam + Rhonda Black	1815 W Cann	Sam + Rhonda Black
Cindy Engelking CINDY ENGELKING	3457 W FR 168	Cindy Engelking
Evelyn Mangan	818 E. Portland	Evelyn Mangan
Tom Mangan		Tom Mangan
Dennis Hickey	1019 E. LINWOOD dr	Dennis Hickey
Michael Carr	3838 S Crystal	Michael Carr
Cathy Carr	3838 S. Crystal Pl.	Catherine Carr
Susan Susan Robison	1010 E. UNIVERSITY St	Barbara Susan Robinson

University Heights Residents Petition to Keep the Neighborhood
Zoned R-SF (Single Family Residential) Springfield, MO.

<u>Name</u>	<u>Address</u>	<u>Signature</u>
Nora Cox	903 E Stanford	Noralee
Chris Cox	903 E Stanford 343-1541	Chris Cox
J. Fur	707 E. Portland	J. Fur
Sara Ward	626 E Stanford	Sara Ward
Betsy Rogers	919 E. University	Betsy Rogers
Courtney Felter	1011 E. University	Courtney Felter
William J. Roach	1046 E. Portland	W.J. Roach
William J. Roach	1046 E. Portland	W.J. Roach
Lynn E. Roach	1046 E Portland (417) 886-7929	Lynn Roach
PAUL JAMES SCUDER	1146 E PORTLAND	Paul James
Diana Barnett	1103 Portland	Diana Barnett
Sherry With	1035 Portland	Sherry With
Bob Gardner	1023 E Portland	Bob Gardner
Mary L Fry	921 E. Portland	Mary L Fry
Nancy Steffen Rahmeyer	901 E Portland	Nancy Steffen
Sarah Bishop	800 E Portland	Sarah Bishop
Karen Burton	821 E. Portland	Karen Burton
Karen Burton	821 E. Portland	Karen Burton
Karla Carroll	815 E. Portland	Karla Carroll

University Heights Residents Petition to Keep the Neighborhood
Zoned R-SF (Single Family Residential) Springfield, MO.

<u>Name</u>	<u>Address</u>	<u>Signature</u>
Linda Adams	1145 E. Kingsbury	Linda G. Adams
Charles O'Farrell	910 E Kingsbury	Charles O'Farrell
Scarlet O'Farrell	910 E. Kingsbury	Scarlet O'Farrell
Norma D Capece	906 E Kingsbury	Norma Capece
Cam Foster	7328 N FR 159	Cam Foster
HOWARD GRUBAUGH	1634 S KIMBROUGH	Howard Grubaugh
KAREN EAGLES	425 E. STANFORD	Karen Eagles
Glenn DAVISON	3111 E Topping Circle	Glenn Davison
Judith Wainstock	1533 S. Kimbrough	Judith Wainstock
Barbara Ruth Hines	951 E. Portland	Barbara Ruth Hines
Phil McCoy	1559 S. Rogers	Phil McCoy
Anthony Roberts	1126 E. Stanford	Anthony Roberts
NICK REBISH	932 E UNIVERSITY	Nick Rebish
LAVREN		Lavren
INGRID DENNEH	619 E KINGSBURY	Ingrid Denneh
Cynthia Bylander	1005 E Kingsbury	Cynthia Bylander
ROWENA RABORAL	1127 E STANFORD ST	Rowena Raboral

**University Heights Residents Petition to Keep the Neighborhood
Zoned R-SF (Single Family Residential) Springfield, MO.**

<u>Name</u>	<u>Address</u>	<u>Phone #</u>	<u>Signature</u>
FRANK MCKAY	952 E. KINGSBURY	417-234-5342	Frank McKay
Patricia McKay	1505 S. CLAY	310-415-5506	Patricia McKay
Jackson Vest	4150 E. Kingsbury St.	660-537-2221	Jackson Vest
Jessica Thompson	" ↓ "		Jessica Thompson
(Rosemary Owens)	1141 E. Kingsbury	417-823-9811	Rosemary Owens
Rosemary Owens			
Richard Gardner	1139 E. Kingsbury	417-827-6415	Richard Gardner

North of Brookside

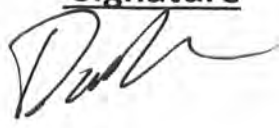
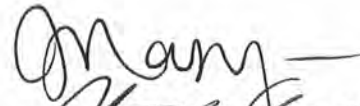
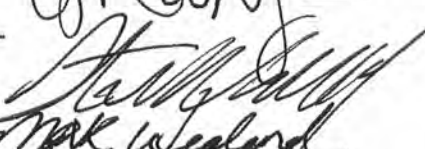
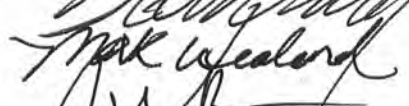
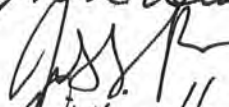
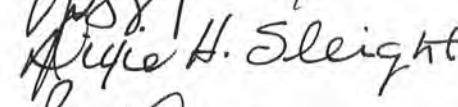
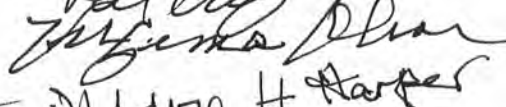
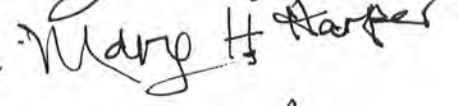
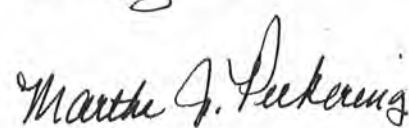
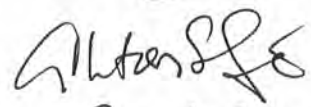
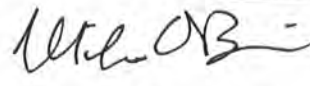
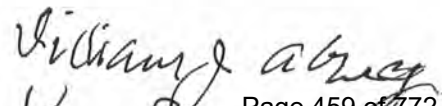
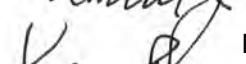


University Heights Residents Petition to Keep the Neighborhood
Zoned R-SF (Single Family Residential) Springfield, MO.

Name

Address

Signature

- | | | |
|-------------------------|------------------------|---|
| 1. DARRON HEMANN | 1039 E UNIVERSITY ST. |  |
| 2. Jeff Nagy | 1055 E University St |  |
| 3. Steve Waddell | 911 E. University ST |  |
| 4. Mack Wealand | 911 E. University St |  |
| 5. Jessica Bower | 1111 E University |  |
| 6. Dixie Sleight | 1124 E. University |  |
| 7. Rod Dufon | 1118 E University |  |
| 8. Virginia Plun | 1133 E. University |  |
| 9. Mary Harper | 1100 E. University |  |
| 10. Martha J. Pickering | 1046 East University |  |
| 11. Doug Johnson | 1020 E University |  |
| 12. Erinn Johnson | 1020 E. University |  |
| 13. ASTTON LEWIS | 1032 E. UNIVERSITY |  |
| 14. MAM KILL | 1006 E UNIVERSITY |  |
| 15. Mike OB- | 1031 E. University St. |  |
| 16. Grant Thomon | 1029 E Univerf ST |  |
| 17. William J. Abney | 838 E. University |  |
| 18. KEVIN PARNELL | 927 E. University |  |

University Heights Residents Petition to Keep the Neighborhood
Zoned R-SF (Single Family Residential) Springfield, MO.

Name

Address

Signature

19. Randy Heltle

825 E. University St

Randy Heltle
 Mary Beth Heltle

20. M. B. Breshear

811 E University

21. M. K. Struckhoff 725 E University

M. K. Struckhoff

22. Julia Fuller 945 E. University

Julia Fuller

23. Raquel Hansen 625 E University

Raquel Hansen

24. John Plonk 1731 S Kimbrough

John Plonk

25. Geoff Hetter 620 E. University

Geoff Hetter

26. Hannah M. Higgs 615 E. University St.

Hannah M. Higgs

27. [Signature] 626 E University St

[Signature]

28. Wendell Shaffer 940 E. Kingsbury St

Wendell Shaffer

29. Jack Wright 700 E University

Jack Wright

30. Donna Forbes 718 E University

Donna Forbes

31. Carol Wright 900 E University St

Carol Wright

32. Jelani Logan 910 E University St

Jelani Logan

33. Cristoval Govea 920 E University St

Cristoval Govea

34. Nicholas Lemmo 1139 E. University St

Nicholas Lemmo

University Heights Residents Petition to Keep the Neighborhood
Zoned R-SF (Single Family Residential) Springfield, MO.

<u>Name</u>	<u>Address</u>	<u>Signature</u>
Jackie Shaffer	940 E. Kingsbury	J. Shaffer
Eleanor Barnes	911 E Kingsbury	Eleanor Barnes
ROBERT R. SCHAEFER	917 E KINGSBURY	Robert R. Schaefer
Katy Holmer	900 E Sanford	Katy Holmer
James C Bavos	911 E Kingsbury	James C. Bavos
Bill Whaley	801 E Sunshine	Bill Whaley
Kenneth Rouse	1125 E University St	Kenneth Rouse
Kay Green	1055 E. Kingsbury	Kay Green
[Kathleen Green]		

**University Heights Residents Petition to Keep the Neighborhood
Zoned R-SF (Single Family Residential) Springfield, MO.**

<u>Name</u>	<u>Address</u>	<u>Signature</u>
Tom Wyrick	903 E. Kingsbury	Thomas Wyrick
Sheila Dunbar	932 E. Kingsbury	Sheila M Dunbar
Douzel Dunbar	932 E. Kingsbury	Douzel Dunbar
Hunter Austin	939 E Kingsbury	Hunter Austin
Dominic J. Capecci Jr.	932 E. Stanford St.	Dominic J. Capecci Jr.
Margery West	835 E Kingsbury	Margery West
Jessica Garrett	635 E. Kingsbury	Jessica Garrett
Larry Rogers	627 E Kingsbury St	Larry Rogers
Kari Woodward	623 E Kingsbury ST	Kari Woodward
Susan Cupka Head	611 E Kingsbury ST	Susan Cupka Head
Kevin Cupka Head	611 E Kingsbury St	Kevin Cupka Head
Tod Eastlake	634 E Kingsbury St	Tod Eastlake
Kim Eastlake	634 E. Kingsbury St.	Kim Eastlake
Paul Schultz	700 E Kingsbury St	Paul Schultz
Kathy Pulley	826 E. Kingsbury	Kathy J. Pulley

University Heights Residents Petition to Keep the Neighborhood
Zoned R-SF (Single Family Residential) Springfield, MO.

<u>Name</u>	<u>Address</u>	<u>Signature</u>
Dylan Pelletier	1117 E. University St.	Dylan M Pelletier
TYLER SAMUEL	1715 S. NATIONAL AVE	Tyler Samuel
CHRIS SHAFER	1703 S. NATIONAL	Chris Shafer
CLIFF RICKETS	1120 E. KINGSBURY	Cliff Rickets
Jan Ricketts	1120 E. Kingsbury	Jan Ricketts
Anthony Wright	1110 E KINGSBURY	Anthony Wright
Cathy Wright	1110 E. Kingsbury	Laure "Cathy" Wright
Brian Foster	1125 E Kingsbury	Brian Foster
Shannon Smith	1100 E. Kingsbury	Shannon Smith
Shelby Smith	1100 E Kingsbury	Shelby Smith
Louise Rook	1032 E Kingsbury	Louise Rook
KEITH OWENS	1025 E KINGSBURY	Keith Owens
Cynthia Bylander	1005 E. Kingsbury St.	Cynthia Bylander
Lisa Munkatchy	959 E. Kingsbury St	Lisa Munkatchy
Mitch Munkatchy	959 E. Kingsbury St.	Mitch Munkatchy
Steve Wutke	933 E. Kingsbury St	Steve Wutke

University Heights Residents Petition to Keep the Neighborhood
Zoned R-SF (Single Family Residential) Springfield, MO.

①

<u>Name</u>	<u>Address</u>	<u>Phone #</u>	<u>Signature</u>
BRYN LAI	618 E PORTLAND ST	808 721 0641	Bryn L
Steven M. White	630 E. Portland		Steve White
Lisa Langston	634 E. Portland		Lisa Langston
Janell Alahmad	633 E Portland		Janell Alahmad
Alaiza Azuaje	617 E. Portland		Alaiza A
Samantha Lucas	1616 National		Samantha Lucas
Renee Arnaud Fogle	1125 E Kingsbury		Renee A Fogle
Anthony Dussmore	1111 E Portland		Anthony Dussmore
Rita Windle	1043 E. Portland		Rita Windle
RITA WINDLE			
Patricia A. Wilson	1045 E. Portland		Patricia A. Wilson
ROBERT M WOOD	1101 E. UNIVERSITY		Robert M Wood
ANNA SQUIRES	1056 E UNIVERSITY		Anna Squires

**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

COPY

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-23-2022 ^{with Condition (Overlook)} City Council Bill No., District No. 22 (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Larry Ament	766 E Greenwood	1126 E Sunshine	Larry Ament

PLEASE NOTE:

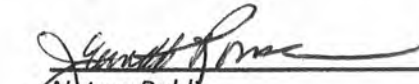
ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

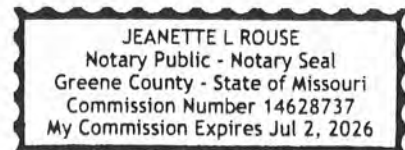
STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 15th day of SEPTEMBER, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)



Notary Public
My Commission Expires: July 2, 2026



COPY

**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-23-2022 City Council Bill No. overlook district No. 220 (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Dylan Pelletier	1117 E University Springfield, MO 65807		
Kayla Pelletier	1117 E University St Springfield, MO 65807		

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

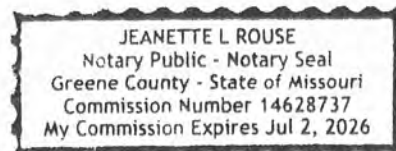
STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 13th day of September, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)

Jeanette L Rouse
Notary Public

My Commission Expires: July 2, 2026



copy

ZONING PROTEST PETITION TO THE CITY COUNCIL OF SPRINGFIELD, MISSOURI

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-23-2022 City Council Bill No. 220 (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Susan D. Ray	1211 E. University		Susan D. Ray

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

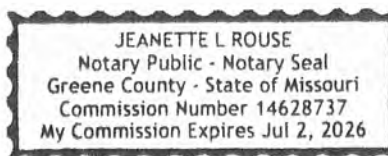
STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 10th day of September, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)

Jeannette L. Rouse
Notary Public

My Commission Expires: July 2, 2026



COPY

**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-23-2022 City Council Bill No. 22-22 (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

City Council Bill No. 22-22
No. 22

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
BRAD CAUSEY	1721 S NATIONAL		Brad Causey

PLEASE NOTE:

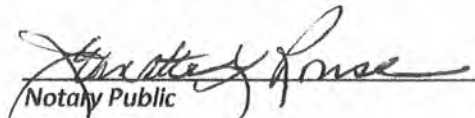
ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

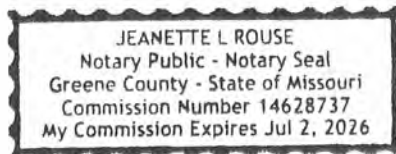
THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 10th day of September, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)


Notary Public
My Commission Expires: July 2, 2026



**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-23-2023 City Council Bill No. 220 *with Conditional Overlay District No.* (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
ANNALIE AUSEY	1721 S. NATIONAL AVE SPRINGFIELD, MO. 65804	—	<i>Annalie Ausey</i>

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

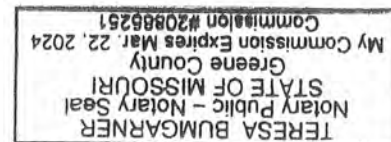
STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 1 day of September, 2022 before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

Teresa Bumgarner
Notary Public

My Commission Expires: 3/22/2024

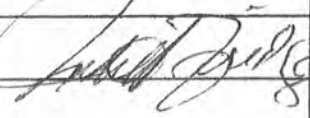
(SEAL)



COPY

**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-23 2022, City Council Bill No., 615 Ord. to repl. overlay Distric (if applicable). This protest is given in contemplation of the provisions No. 22 of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Judith Fridge	4545 S Farm Rd 145 1204 E University MO	1204 E University	

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

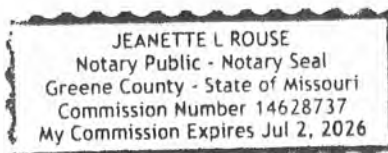
On this 8th day of September, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)



Notary Public

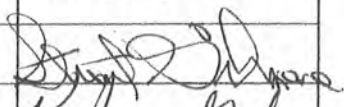
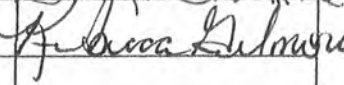
My Commission Expires: July 2, 2026



COPY

**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-23-2022 ^{by candidate overlay district No. 12} City Council Bill No., _____ (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Stuart Gilmore	1130 East University Springfield Mo		
Rebecca Gilmore	1130 East University Springfield Mo	" "	

PLEASE NOTE:

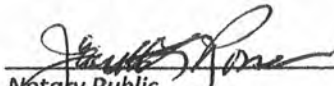
ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

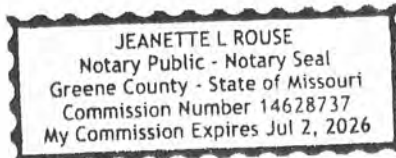
THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 7th day of September, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)


Notary Public
My Commission Expires: July 2, 2026



COPY

**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-23-2023 City Council Bill No. 1 *for conditional overlay district No. 220* (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Mathew Reid	1210 East University Springfield Mo 65804		Mathew Reid

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

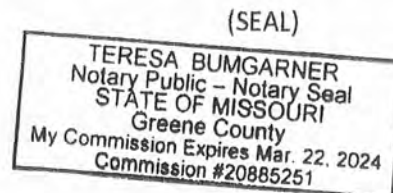
THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 9 day of Sept, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.


Notary Public

My Commission Expires: 3/22/2024



Copy

**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-23-2022, City Council Bill No., at Conditional Overlay District (No. 220) (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Dixie H. Sleight	1124 E. University Springfield 65807		Dixie H. Sleight

PLEASE NOTE:

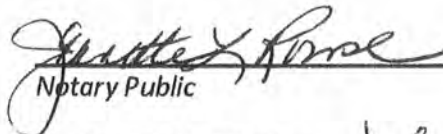
ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

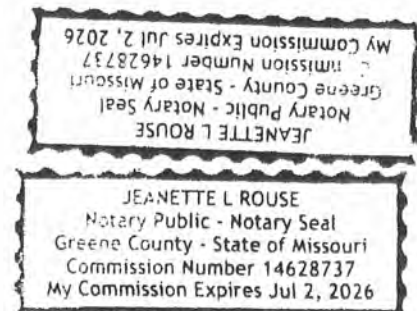
STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 6th day of September, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)


Notary Public

My Commission Expires: July 02, 2026



Copy

**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-23-2022 City Council Bill No. 220 District No. 1 (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Rodney Dixon	1118 E. University St		Rodney Dixon
Lisa Dixon	1118 E. University St		Lisa Dixon

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

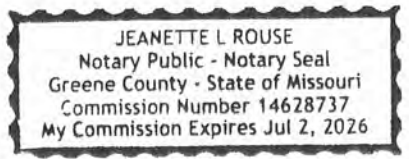
STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 6th day of September, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)

Jeanette L. Rouse
Notary Public

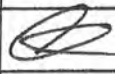
My Commission Expires: July 2, 2026



Copy

**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-23-2022, ^{with Conditional Overlay District} City Council Bill No., No. 200 (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
BRUCE DOUGLAS	1139 E. UNIVERSITY		
Nichole Lemmon	1139 E. University		N. Lemmon

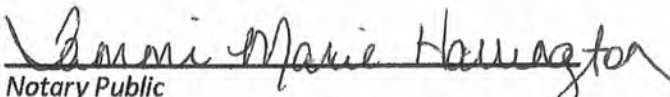
PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 16th day of September, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.


Notary Public

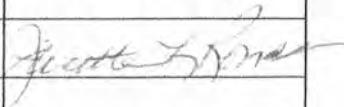
My Commission Expires: August 26, 2023



Copy

**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. Z-23-2022 ^{with Conditional Overlay District No. 22} City Council Bill No., _____ (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
JEANETTE L ROUSE	1125 E University St Springfield, MO		

PLEASE NOTE:

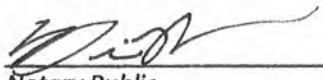
ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

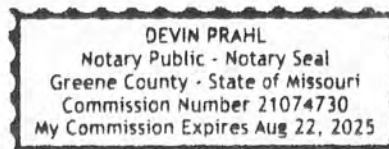
On this 2nd day of September, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)



Notary Public

My Commission Expires: August 22, 2025



Copy

**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 7-23-2022 with Councilmember Overkey District No. 22 (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Thomas M. Ruxton	1125 S. Van Buren St. St. Louis, MO 63104 (TR 9-2-22)		[Signature]

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

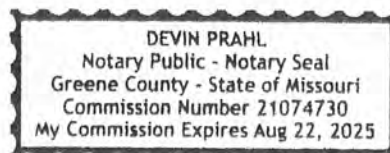
On this 2nd day of September, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)

[Signature]

Notary Public

My Commission Expires: August 22, 2025



Copy

**ZONING PROTEST PETITION TO THE CITY COUNCIL
OF SPRINGFIELD, MISSOURI**

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Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Virginia Olson	1133 E. University		Virginia Olson

PLEASE NOTE:

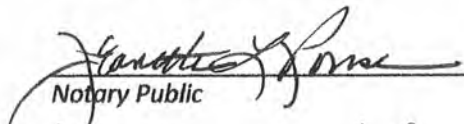
ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

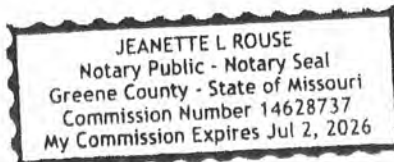
THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 24th day of AUGUST, 2022, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)


Notary Public
My Commission Expires: July 2, 2026



From: [J Fred Terry](#)
To: Zoning@springfieldmo.gov
Subject: Rezoning of the corner of University, National and Sunshine
Date: Wednesday, August 31, 2022 2:03:56 PM

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

Dear Springfield Planning and Zoning Members,

My name is James Terry. I have lived in University Heights at 635 E. Stanford St for over 40 years.

I am very concerned about the prospect of rezoning the corner of University, National and Sunshine.

I have see a huge change in pass-through traffic over the years. These drivers for the most part seem to be speeding through the neighborhood to avoid traffic and traffic lights. I will occasionally try to slow traffic with a hand single. I have had people stop and threaten me, a yellow cab driver actually backed his car up to my house and got out of his car to rant at me. A neighborhood teenager driving a car was struck by another car running the stop sign at University and Holland, causing his car to flip. Do we really need any more traffic?

I regularly drive Northbound on National Ave and turn West on Kingsbury to return to my home on Stanford St at a minimum of 4 times per day. The amount of backed up Southbound traffic on National has done nothing but increased over the years. The traffic is often backed up for 3-4 blocks. People are also attempting to drive 3-4 blocks in the turning lane attempting to turn left(East) on Sunshine. I also believe people are cutting through the neighborhood East of National. Do we really need any more traffic?

One day, I was attempting to turn west on Kingsbury from the turning lane on National a lady pulled in front of me and was angry that I was in her way. Her husband got out of there car and pounded on my car window. Do we really need any more traffic?

I normally leave my house and go to Sunshine and Holland. It has been more and more difficult to turn East on Sunshine. While driving East on Sunshine, the traffic has often been backing up 3-4 blocks at National. Do we really need more traffic?

For years Holland has been used to avoid the traffic light at Sunshine and Kimbrough. People continually run the stop signs on Holland.

The noise level from the traffic on Sunshine has gotten worse every year. Do we really need any more traffic?

Over the many years of living here I have had many water issues in my basement. As Mercy Hospital has grown the more water that comes downhill to our neighborhood. I have seen kayakers floating down Holland. I have had sewage backed up into my basement as well have many of my neighbors. I fear the new Cox clinic at the intersection of National and Sunshine

will make the flooding problem even worse. Do we really need any more development?

Sincerely,

J. Fred Terry
417-414-3681

From: [Gabby Lampe](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Sunday, December 4, 2022 5:26:12 PM

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

Dear Planning and Zoning,

I am writing to submit my concerns about the proposed rezoning of 1141, 1133, 1119, & 1111 Sunshine Street, 1138 University Street, and 1775, 1746, & 1739 National Ave.

As a resident of University Heights, I am opposed to these rezoning proposals by applicant BK&M, LLC. University Heights is a historical staple in Springfield, MO, and those lots were originally platted as residential lots and they should remain as so. Acquiring multiple lots for the destruction of homes to build a commercial retail building is unacceptable. As a mother of four young children who live in University Heights and play in the streets – the increased traffic this will cause down residential streets compromises their safety and ability to enjoy their neighborhood as children and interrupts our right to enjoyment. We already have cars that use the neighborhood to cut through our streets and speed through stop signs. A commercial establishment on the NW corner of Sunshine and National will only increase traffic and safety concerns. Furthermore, property values are also likely to go down if University Heights is not preserved as it was intended to be. BK&M LLC has no consideration of these impacts and we will not support a general retail establishment in place of 1141, 1133, 1119, & 1111 Sunshine Street, 1138 University Street, and 1775, 1746, & 1739 National Ave.

I urge you to disapprove of the proposed rezoning. Thank you for your continued service and support of our communities.

University Heights Resident – 702 E. Stanford St.

Gabby Lampe

Assistant Director | Student and Young Alumni Engagement

Office of Alumni Relations | Missouri State University

 [417-836-5834](tel:417-836-5834) | [417-496-1212](tel:417-496-1212)
 GabbyLampe@MissouriState.edu
 Alumni.MissouriState.edu




300 S. Jefferson Ave., Suite 100, Springfield, MO, 65807

From: [Walstrand, Gwen](#)
To: Zoning@springfieldmo.gov; [Council](#)
Subject: moratorium on rezoning requests in historic residential areas
Date: Sunday, August 28, 2022 2:36:38 PM

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

Dear Zoning Commission and City Council Members,
Given the lack of purpose and planning in recent rezoning requests as well as the lack of consideration for historic areas in our city, I would like to request there be a moratorium on all rezoning requests in sensitive historic corridors until such time as the city of Springfield has arrived at firm policies for protecting historic residential areas. Preservation and enhancement of residential architecture, livable green spaces, safe streets and neighborhoods, and integrity of history should be foremost considered. Already our city is known for strip malls, sprawl, poorly constructed chain stores and restaurants. If we allow those areas to further sprawl into irreplaceable historic areas, we trade away the character and desirability of our city and its residential areas for quick dollars and future blight issues.

I live in University Heights neighborhood and join our neighborhood association as well as the historic neighborhoods of Phelps Grove, Rountree, Delaware, Meador Park, and Seminole-Holland in asking you to please halt all rezoning requests in sensitive historic corridors until plans with vision and preservation of urban neighborhoods is first promoted and clearly stated through the city's policies and plans.

Thank you.
Gwen Walstrand
1116 East Portland St.
Springfield, MO 65807
417-234-0745

From: Walstrand, Gwen <GwenWalstrand@MissouriState.edu>
Date: Friday, August 19, 2022 at 9:36 AM
To: zoning@springfieldmo.gov <zoning@springfieldmo.gov>
Subject: Re-zoning historic homes in University Heights

Dear Zoning commission,
I am writing in opposition of the rezoning proposal at 1739, 1745, 1755 S National, 1141 E Sunshine, and 1138 University St. Our historic neighborhood already has excessive traffic and noise issues due to the heavy traffic on nearby streets. The noise is continuous from the heavily trafficked National Ave, Portland St, Sunshine St, and Kimbrough Ave and the proximity to the ever expanding hospital and multiple uses of National Avenue Christian Church. Removing pieces of the residential neighborhood in order to convert more of it into the business corridors nearby would create a very harmful situation for the entire city, especially what's left of University Heights neighborhood.

I live at 1116 East Portland, where my husband's family has lived for now four generations. The changes we've seen in the neighborhood have nearly all been negative as the widening of streets, the removal of houses in favor of parking lots and strip centers, and the kind of sprawl indicative of the outer edges of town also encroach into a historic neighborhood. Springfield has very few historic neighborhoods that have not been compromised by sprawl or blight. A vision to protect such places needs to be a priority for the city. Our neighborhood association and many individuals have appealed to the city to implement traffic calming structures on Portland St, but with no success. Expanding the corridor already congested with businesses and shops will increase the number of motorists speeding down Portland St and other avenues in order to avoid the intersections on the larger streets. This re-zoning proposal would have an even larger and direct effect on the neighborhood if more pieces of our neighborhood are given over to business. As the developers presented no specific plan for the buildings and businesses, I sincerely hope the city officials will also oppose re-zoning what should be protected residential space and structures from the disregard and disorganized onslaught of business for the sake of business. The long hours of workers at such businesses, from early morning commercial trash pick-up to late night conversations increase not only the amount of traffic and noise, but number of hours of each day we all hear it.

The quality of life in our neighborhood is continuously affected by the traffic noise, vibrations, commercial dumpsters being emptied at 4am, danger of speeding cars, noise from the school and events continuously scheduled at National Avenue Christian Church, and various street construction projects. It's often unsafe for children to play in the neighborhood or walk to school. Parents dropping off children at the Montessori school create even more traffic, sometimes arguments amongst themselves or with passersby who would prefer not to slow down for the line of cars. Already we live this daily and have very little barrier from the busier streets. Converting residential space into more of that activity, and on a large scale, would terribly decrease the value of our entire city by reducing its historic neighborhoods and livable spaces. There are many places throughout the city already zoned for business; those are the places where the developers should create specific plans and proposals for to 'do something nice' for Springfield.

Thank you for your consideration.

Gwen Walstrand

1116 East Portland

Springfield, MO 65807

417-234-0745

THE FUTURE OF STRIP MALLS

Merle Patchett and Rob Shields

In many neighbourhoods across North America, small, 5-8 store strip malls, once anchors of local retail activity, are increasingly being framed as today's suburban blight. Intended as community hubs of consumption and services, many of these places are being abandoned or becoming underutilized and dilapidated as the services move out of local neighbourhoods in favour of larger-scale malls and shopping districts serving greater catchment areas. At the CRSC, we believe it is time to rethink our relationship with the strip mall. This design competition and touring exhibit proceed from the thesis that the social vitality and community sustainability of mature suburban neighbourhoods can be improved by reviving and re-purposing under-utilized strip malls. It is our contention that small-scale strip malls can play a vital public role in the urbanization of the postwar suburbs. Strip malls can become as important to these communities as the old warehouse and market districts have been to the inner city.

The shopping mall reached its peak - in terms of its ubiquitous presence in the North American urban landscape and popular psyche, as well as the amount of scholarly attention paid to it - towards the end of the twentieth century.ⁱ Now into the second decade of the twenty first century, local malls, especially small-scale strip malls, are rarely of interest or attachment, undercut in cost by auto-orientated "big box" "power centres" and regional and super regional malls.ⁱⁱ Contemporary academic work continues to focus on spectacular, larger-scale, enclosed "mega-" and regional malls,ⁱⁱⁱ or on the "mall-ing" of formerly non-consumer spaces, such as airports, universities, office buildings, hospitals and other civic spaces.^{iv} There is very little academic literature about small-scale local malls or neighbourhood strip malls beyond urban designers' disparagement of the form.^v Similarly, policy focus has been on revitalizing heritage^{vi} and downtown shopping cores,^{vii}

or on creating "town square" versions of power centres (including "lifestyle centres") generally in newly erected suburbs^{viii} along with other novel retail spatial configurations.^{ix} By contrast, the local strip mall, with a convenience-oriented mission but often not a particularly locally-responsive retail provision, has been in decline: "many of them dying, bleak and waiting for reinvention."^x

We initiated our design competition - *Strip Appeal* - to "reinvent the strip mall," recognizing its potential to produce innovative solutions and design visions for the rejuvenation of strip mall retail. The specific focus of the competition was smaller scale, neighbourhood shopping plazas consisting of a few retail units, usually fronted by parking, and up to the scale of malls which combine indoor and outdoor sections but remain local in focus and generally do not exceed a single floor. In some cases, these malls have been redeveloped as sub-regional consumption and service destinations by enclosing their storefronts with galleria or glass arcades. However, those malls that have not succeeded in making the transition often stand partially or almost completely empty (see deadmalls.com for countless examples). This problem has been exacerbated by the fact we have overbuilt strip centres and malls in North America. This problem has been exacerbated by the fact we have overbuilt strip centres and malls in North America. The Urban Land Institute details that from 1960-2000, there was almost a tenfold increase of retail space in the United States, from 4 to 38 sq. ft/ person - a rate 5-6 times faster than the increase in sales. This glut has led to 9-10% of retail facilities being derelict, with the most overbuilt category of retail space being the large single-storey discount stores. Following the first quarter of 2011, mall vacancies rose to 9.1 percent. The second quarter was no kinder, with the vacancy rate inching up to 9.3 percent. Strip malls, with a vacancy rate of 10.8 percent, have an even tougher time keeping tenants.

The Urban Land Institute suggests one solution would be to demolish 300 million square feet of retail space. Our research suggests that larger strip malls are more likely to be uneconomic. In general, we observe that the single-storey sections of strip malls have a limited life-span due to ageing roof-top heating and ventilating systems. Two-storey sections are more likely to be repurposed for community uses while the rest of the mall is taken down and the area redeveloped for other purposes. At the CRSC, we recognized this as an opportunity for intervention: how can small-scale strip malls be reinvented and redeveloped to local advantage? As outlined in the previous essay, in order to address the problems associated with strip mall retail, the design competition presented itself as a new model for engaging practitioners and interested publics with the question of how strip malls could be re-imagined to reflect the needs of 21st century suburban communities.

We are unlikely to immediately replace 55+ years of North American car-based suburbs (roughly 1945-2009).^{xi} To become more environmentally sustainable, the provision of walkable retail services and accessible centres of social interaction and community facilities has a role to play. Retail is understood as a site that fulfils certain needs at a variety of scales - the need for creating a sense of a vibrant local place, for developing a sustainable hub for community, for the provision of goods and services as local shopping experience and for creating a community retail destination, a “place to go.”^{xii} It was our hypothesis that the reorientation of the suburban strip mall to community use might contribute to community cohesion by enabling “face-to-face” encounters through the creation of a local “marketplace” or neighbourhood public sphere whilst also adding to a community’s economic resilience through informal networks of social interaction.

These facilities are often hampered by being intentionally located at the entrances of arterial roads to suburban housing developments. This makes them ideal automobile commuter stops as they are on the way between work

and home. However, it puts them at the edges of neighbourhoods rather than at their cores, and makes them potentially dangerous destinations for pedestrians and children unless bicycle and walking paths lead to these sites. As a result, many of the entrants include a transportation component in revitalizing the strip mall. Regardless, we see the usages and tenancies of these retail spaces changing from convenience-oriented commercial to educational, fast-food, medical, service, religious, ethnic and other niche services. The strip mall is dead - long live the strip mall!

Factors frustrating redevelopment of strip malls thus far include the accessibility of larger retail facilities, the anti-competitive practices of large retail operators who have acquired ownership of many of these malls (through, for example, increases in rent and restrictive covenants^{xiii}) and the decision of property owners to land bank, that is, to hold sites – often unoccupied – as investments to be sold for the value of the land.^{xiv} The recent economic climate has also discouraged redevelopment as developers are risk-averse, evidenced by the decrease in the number of applications to rezone these facilities for mixed-use developments. In Canada, municipalities impose re-zoning challenges or vacillate on the requirements for applications that delay and thus increase the cost of repurposing under-performing retail space to other commercial and institutional uses, for example, as office space, often making these projects uneconomic. Despite these trends, some strip malls continue to thrive by successfully servicing the needs of the neighbourhood or by catering to the specialized needs of an identifiable community. There has been little systematic study done to investigate how or why these strip malls have succeeded in their contextual communities.^{xv} For the most part, small, vibrant retail clusters such as successful strip malls are regarded as accidents, and any quantitative traffic or marker analyses done surrounding them remain corporate secrets.

A recent study by Linovski,^{xvi} although not expressly attempting to identify the reason why some strip malls

succeed and others fail, argues against a blanket push to redevelop strip malls. Recognizing the diversity of strip mall forms - from those characterized by front-loading parking along arterial strips to traditional retail strips that face directly onto the public sidewalk - she argues that design and redevelopment policies should not treat all strip malls as the same. She examines diverse strip mall types in Toronto's postwar suburban fringe facing high redevelopment pressure and identifies certain benefits in leaving some of these strips with fewer controls and barriers to access. Linovski argues that strip malls in these areas provide affordable retail space for small businesses not available elsewhere, enabling diversity in tenants and use. She advances that many of these strip malls have significant social and economic benefits in their current form that are not addressed in most design and planning policies, which tend to judge strip malls based solely on their aesthetic and visual character. She thus urges that future strip mall design policies support functional concerns and not simply respond to visual considerations.

Similarly, Shields' research shows that well-managed malls understand the importance of considering the social needs of communities rather than assuming that a standardized reliance on market projections will guarantee success.^{xvii} This means responding to local ethnic interests, holidays and demands. It also means understanding how to manage tensions that arise from different demands of clients, retailers and neighbours. This is why we asked our competition entrants to choose a strip mall local to them. By asking entrants to consider the "situated-ness" of their strip mall sites, we wanted their redesigns to consider the relationship between architectural and non-architectural elements of the site, and to respond to the needs of the surrounding community and built environment. In doing so, the responses demonstrate a wide diversity of approaches to the redesign of small-scale strip malls, from full-site overhauls to lighter-touch, intervention-based approaches only altering one aspect of the site.

This catalogue offers you a glimpse of the future. That is, not projects that are under construction now, but those that

are in the planning phase for 10 to 15 years; hence it will be in 2025, and their successors in 2040 to 2050, when new forms will replace these facilities that were built with a short life span in mind. In total, we received 122 submissions from design students and professionals, creatives and the general public. While the majority of sites were located in North America, selected sites were as far away as the Netherlands, Brazil, Hong Kong, China and Australia. The submissions proposed alternatives from community greenhouses to rooftop recreation spaces and all-weather shelters for food trucks and their patrons. They replace and reinvent what we now know as strip malls. The 20 shortlisted submissions reflect the diversity of responses, approaches and ideas our brief solicited, ranging from architectural responses to structural engineering and facade responses, from urban planning and construction responses to urban transport responses and social and architectural interventions. As argued in the previous essay, the shortlist, as presented in this catalogue and touring exhibition, provides many innovative and implementable "theories of action"^{xviii} for the reorientation of strip malls to community futures. As such, we hope the catalogue will follow the example of Tahchieva's Urban Sprawl Repair Kit^{xix} and function as a "strip mall repair kit," where the submissions offer implementable techniques for the renovation of existing strip malls to create denser, healthier, more walkable and cohesive communities.

In both the catalogue and the exhibit panels, the submissions have been grouped into five main categories: "Winners," "Green," "Park," "Up and Out" and "Connect." "And Ideas" selections from other entries closes each section. The "Winners" section outlines the Jury Winner and Runner-Up as well as the Public Vote Winner. The Jury Winner - Free Zoning by Stephanie Davidson and Georg Rafailidis - radically re-imagines a derelict strip mall in Buffalo, New York as a building quarry. Proclaiming the site free of zoning restrictions, Davidson and Rafailidis deconstruct and inventory all the building materials on site and demonstrate how these can be used to construct community housing. Using the existing foundation as a seedbed for construction, they show how the plot might develop over time with a wide variety of functions and building typologies, all primarily constructed using the

salvaged materials of the derelict strip mall.

The Jury Runner-Up - Parked Mall by Carole Levesque, Todd Ashton and Aumer Assaf - retains the commercial activity that vibrant neighbourhoods need whilst reducing dependence on passenger vehicles. To do so, it proposes replacing four static strip mall structures in an area of North Edmonton with docking stations where mobile shops can park and offer a range of services. Where previously the strip malls offered a duplication of shops, the mobile shops and service trailers can be arranged in a weekly schedule to offer a wider selection of local services. When not in use, the dock and its infrastructure will be made available to the community for impromptu or organized gatherings.

The Public Vote Winner - Unbox-Embrace-Cohere by Jasper Hilkhuijsen and Geraldine Li - presents 3 steps for turning a semi-vacant strip mall in Enschede, the Netherlands into a community youth centre: 1. Unbox the strip through the removal of non-structural walls to provide new routes through the building. This transforms the building from a single volume into an assembly of volumes. 2. Embrace the surrounding community by facilitating a participatory process from the outset where community members can communicate their ideas and hopes for the site. 3. Cohere spatially and socially. By including the community in the design process from the outset, the task is not only one of modifying a building, it is a collaborative design process whereby the community's needs are expressed in the building's new form.

In the "Green" section, shortlisted submissions show us how we can "green" the strip mall, from community and urban gardening to the introduction of green technologies and materials. For example, Strip Weave by Teal Architects integrates landscape urbanism with high density approaches and environmental design to transform commercial strips into convivial communities powered by wind, sun and geothermal energy. Ferndale Gardens by Paul Samulak proposes to turn a semi-vacant strip mall in Woodward, Detroit into a suburban farm and

restaurant. With the renewal of this site proposed to coincide with the planned Woodward light rail project, Samulak demonstrates how locally grown produce can be distributed to a wider customer base along the planned route.

Underused and unfriendly to the pedestrian, the strip mall parking lot is ripe for transformation. In the "Park" section, submissions redefine the strip mall lot not only as a place to park your car, but as a place that can be pedestrian-friendly and accommodate a variety of other public uses. For example, Pop-Up Food Truck Station by Daniel Orlando Martinez offers a shelter and cafeteria for food trucks and their patrons in a barely used Temple City strip mall parking lot. To encourage patrons from the surrounding area, online networking is employed to notify patrons when different food trucks will be parking. In a variation on this theme, Park-Aid by Ziola Newstudio converts an existing strip mall into a high-density parking garage designed to house all of the surrounding neighbourhood's cars. The pooling of neighbourhood traffic frees up the remainder of the neighbourhood automobile infrastructure – roadways and garages – for future residential densification and green space.

The strip mall building typology is based on principles of maximum efficiency and replicability. By extending this typology, submissions in the "Up and Out" category generate new spatial arrangements, uses and social situations. For example, in Stripscape, designers Dora Baker, Pablo Batista and Natalie Badenduck offer six proposals for retrofitting strip malls around Winnipeg, Manitoba. Rather than tearing down these malls, they propose Stripscaping as a strategy for building upon and around them, specifically the roof structure. In one example, the strip mall roof is fashioned into a year round recre-ational area. By comparison, Cultural Appropriation by Fern Nafziger provides a structural formula by which a strip mall can restructure and grow without imposing on the current businesses which might already be in place.

While many strip malls are located directly adjacent to neighbourhoods, they often remain detached and unrespon-

sive to the community surrounding them. The submissions in “Connect” show how it is possible to reorientate and reconnect the strip mall with its surrounding community and built environment. For example, Span the Strip by Toby Keeton proposes bio-bridges to be used as connective pathways to promote greater walkability and reduce the ecological impact of vehicular corridors. In Combat Concrete by Natalie Ross, a “Food and Art” program is devised through consultations with the community whereby strip mall parking lots are transformed into areas for food production, recreational park space and art and community activities. Fix the Strip by Loretta Foley and Kristin Smith presents a “deciding guide” for any community to find solutions for improving their local strip mall, using its own context and circumstances to shape the process.

Taken together, these designs offer a glimpse of the future of suburban retail experience - where an entire industry is going. More importantly, they suggest a need to change our approach: we must transform strip malls into places that people want to go for services and community events. These designs help eliminate our dependence on the car and contribute to the urbanization and densification of suburbs. Furthermore, rather than depend solely on the investment of risk-averse developers, the shortlisted submissions provide intervention-based strategies that can be implemented by community associations, local entrepreneurs or committed individuals. Collectively then, the submissions provide many innovative and implementable “theories of action” for the renovation and reinvention of existing strip malls to create denser, healthier and more cohesive suburban communities.

ⁱ M.L. Clausen, “Northgate Regional Shopping Centre - Paradigm for the provinces,” *Journal of the Society of Architectural Historians* 43(2), 1984, p. 145.

ⁱⁱ See for example: T. Hernandez and J. Simmons, “Evolving retail landscapes: power retail in Canada,” *Canadian Geographer* 50(4), 2006, pp. 465-486; D. Hayden, *A Field Guide to Sprawl*, NY & London: W. W. Norton & Co., 2004.

ⁱⁱⁱ See M. Abaza, “Shopping malls, consumer culture and the reshaping of public space in Egypt,” *Theory Culture Society*, 18(5), 2001, pp. 97-122; H. Schmid, “Economy of Fascination: Dubai and Las Vegas as examples of themed urban landscapes,” *Erkunde* 60(4), 2006, pp. 346-361; Hélén Klodawsky, *Malls R Us* [documentary film]. Produced

by Ina Fichman (Instinct Films) and Luc Martin-Gousset (Point du Jour), 2009, 78 mins.

^{iv} See for example: D. C. Sloan, “Scientific paragon to hospital mall: the evolving design of the hospital, 1885-1994,” *Journal of Architectural Education* 48(2), 1994, 82-98.

^v F. K. Benfield et al., 2001; J. Terris and N. Vorsanger, *Solving Sprawl: models of smart growth in communities across America*. Washington D.C.: Island Press, 2001; E. Dunham-Jones and J. Williamson *Retrofitting Suburbia: Urban Design Solutions for Redesigning Suburbs*. Hoboken: John Wiley & Sons, 2009; S. Zukin, “Reading the urban villager as a cultural document: ethnicity, modernity and capital,” *City and Community* 6, 2007, pp. 39-48; S. Zukin, V. Trujillo, P. Frase, D. Jackson, T. Recuber and A. Walker, “New retail capital and neighbourhood change: boutiques and gentrification in New York,” *City and Community* 8(1), 2009, pp. 47-64

^{vi} J. Goss, “Disquiet on the waterfront: reflections on nostalgia and Utopia in the urban archetypes of festival market places,” *Urban Geography* 17(3), 1996, 221.

^{vii} T. A. Gibson, “The trope of the organic city: discourses of decay and rebirth in downtown Seattle,” *Space and Culture* 6(4) 2003, pp 429-448.

^{viii} See for example: M. Southworth, “Reinventing Main Street: from mall to townscape mall,” *Journal of Urban Design*, 10(2), 2005, 151-170.

^{ix} G. Beck, “Signs of life: a new lesson from Las Vegas - A souped-up shopping centre on the strip uses technology to announce itself as a retail, cultural, and civic destination,” *Architectural Record* 191(6), 2003, 199-+.

^x Southworth, “Reinventing Main Street,” p. 153.

^{xi} However, we are certainly aware of the longer history of the suburb. See: Hayden, *A Field Guide to Sprawl*.

^{xii} R. Jackson and N. Thrift, “Geographies of Consumption,” in D. Miller (ed.), *Acknowledging Consumption: A Review of New Studies*. New York: Routledge, 1995, pp. 204-37.

^{xiii} Ziff, B. *Scorched earth: An empirical study of the use of restrictive covenants to stifle competition* [Abstract]. Planning, Law and Property Rights; Fifth International Conference. 2011. retrieved from: http://www.law.ualberta.ca/plpr/2011/PLPR_Abstracts.pdf.

^{xiv} Interboro Partners, *In the meantime, life with landbanking*. Design Competition entry. 2002. Accessed: <http://www.interboropartners.net/2012/in-the-meantime-life-with-landbanking/>.

^{xv} However, see Lo (2009), which shows that supermarkets are complementary consumption sites for Toronto’s immigrant Chinese residents but independent ones for non-Chinese; the role of ethnicity/culture is thus important with respect to the embeddedness of immigrant consumers and the cultural representations of certain retail spaces as “ethnic.” L. Lo, “The role of ethnicity in the geography of consumption,” *Urban Geography* 30(4), 2009, pp. 391-414.

^{xvi} O. Linovski, “Beyond Aesthetics: assessing the value of strip mall retail in Toronto,” *Journal of Urban Design* 17(1), 2012, pp. 81-99.

^{xvii} See, for example: R. Shields, *Life Style Shopping the Subject of Consumption*, London: Routledge, 1992.

^{xviii} Bruno Latour, “A Cautious Prometheus? A Few Steps Towards a Philosophy of Design (with Special Attention to Peter Sloterdijk),” *Networks of Design: Proceedings of the 2008 Design History Society*, Falmouth, Cornwall.

^{xix} G. Tahchieva, *Urban Sprawl Repair Kit*, Washington D.C.: Island Press, 2010.

From: [Walstrand, Gwen](#)
To: Zoning@springfieldmo.gov; [Council](#)
Subject: Z-27-2022 COD #220 zoning request
Date: Tuesday, December 6, 2022 7:48:48 PM
Attachments: [future-strip.pdf](#)

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

Dear Zoning commission and City Council,

I am writing in opposition of the rezoning **proposal Z-27-2022 COD #220** for 1739, 1745, 1755 S National, 1141, 1131, 1119, 1111 E Sunshine, and 1138 University St. Removing eight (or any) historic homes in good or easily maintainable condition should not be considered.

Destruction of livable, beautiful, historic neighborhoods and inviting further blight and retail sprawl into areas that are well established residential areas with deed restrictions preventing such actions should not be allowed by the city and would have a long-term negative effect on the entire city and surrounding area.

Preservation, planning:

Preservation and enhancement of residential architecture, livable green spaces, safe streets and neighborhoods, and integrity of history should be foremost considered. Already our city is known for strip malls, sprawl, poorly constructed chain stores and restaurants. If we allow those areas to further sprawl into irreplaceable historic areas, we trade away the character and desirability of our city and its residential areas for quick dollars and future blight issues. Arguably, nearly every strip center/retail/restaurant structure erected in this town in the last twenty or thirty years has been constructed for short-term use, eventual blight, demolition, then similar new construction/rebuild. The retail shops along National Ave across from the Missouri State University have lived this cycle, as have the East Sunshine areas east and west of Fremont Ave, nearly all of Glenstone Avenue, Campbell Ave near Sunshine Street, and pockets of Chestnut Expressway. These commercial strip centers have compromised each of our historic urban neighborhoods in some way by the noise and other unattractive qualities of cheap construction and devaluation of property. This is true of the Delaware neighborhood, Rountree neighborhood, Phelps Grove neighborhood, and Midtown neighborhood, and of University Heights. If left as single family residential homes, the structures will be beautiful, historic, well-built and designed homes that will last for centuries more. The life span of any retail, strip center, or 'mixed-used' new construction is on average about 15 years before it must be rehabbed or demolished. Any tax revenue advantage to allowing this development will be drastically reversed within a few years, and the whole city will have suffered because of it.

Empty nearby retail spaces and deed restrictions:

Destruction of historic residential homes in neighborhoods with deed restrictions and residential-only zoning is not necessary to build business! There are, throughout the streets named above, empty retail centers that the population of Springfield would LOVE to see renovated into more attractive, solidly constructed shops and restaurants. Very near the site where Mr Duda and Mr Tolliver hope to destroy homes to build general retail strip centers there are empty and near empty commercially zoned structures and parking lots. They would have the same access to the same customers if they were to build there instead. The University Heights properties all have deed restrictions that require only single-family residential homes of stone, stucco, or brick to be built on them. This should not be ignored, and it seems illegal to violate that on behalf of a private business person; this isn't a case of greater good or eminent domain, quite the opposite.

It does not make sense for Springfield to allow re-zoning and destruction of residential, deed-restricted areas when there is empty commercial and retail space throughout the city and near the proposed location. It's a direct hit on the character and integrity of our city. The minimally increased property tax revenue it may generate in the short term to have retail business there will be negated long-term and reversed when those new structures become the ubiquitous half-empty, poorly maintained, hideous strip centers Springfield is known for, and the historic homes that would have been welcome sights for all and quality homes for future centuries would be forever lost. The area will become blighted and property values and taxes will go down throughout the area. Please see the link below and the attached document regarding studies highlighting the very short life of retail centers such as what Mr. Duda proposes and the blight, under-utilized, and short-sightedness of such endeavors.

<http://www.urbanindy.com/2015/11/01/the-case-in-greenwood-why-america-deserves-its-retail-blight/>

Quality of life + noise/environmental impact:

The University Heights neighborhood has spoken clearly and repeatedly that the re-zoning is not welcome. The footprint of our neighborhood is small and bound by busy streets. But within the bounds of Sunshine, National, Grand, and Jefferson, there are mature trees, streets with sidewalks, family homes, runners, walkers, children playing, neighbors talking, Fourth of July parades, a couple of quiet, small neighborhood restaurants neatly tucked into the architecture of the surrounding houses, a few churches, a park, an Art Museum, and two elementary schools. The traffic noise from the surrounding busy corridors is always heard. The trees do a bit to buffer the sound, but we continually hear motorcycles, sirens, loud vehicles, and we are right under the flight path of helicopters landing on the nearest corner of Mercy hospital. We hear construction projects at Mercy, football games at MSU, fireworks from Hammons' Field, and other sounds of being tucked into the middle of a busy city. Most of Springfield is not inviting to pedestrians or cyclists. We chose to live in University Heights partially because we are able to walk or cycle to work, reduce our carbon footprint, and live

and enjoy a neighborhood that is welcomes outdoor activity. But the ever-increasing noise levels and traffic from the surrounding busy corridors have reduced the wildlife, birdlife, and safety is less assured when out walking the neighborhood. The limited green space we have due to road-widening and surrounding parking lots also causes flooding due to the lack of drainage areas. Removing more green spaces in favor of parking lots will cost the entire neighborhood and the city. There simply are just no more ways for University Heights to compromise for business and still have a livable neighborhood. The activity, parking issues, and traffic already created by our elementary schools, churches, and Art museum results in commercial dumpsters being emptied multiple times per week between 4am and 6am and voices of crowds coming and going to school, church, and museum activities late into the evenings. This has a real impact on the surrounding neighbors, but does not compare to the extremely negative and potentially dangerous impact that retail and restaurant crowds, delivery trucks, trash collectors, increased parking, increased traffic, and increased traffic crashes at the busy intersections would cause. Inviting that into the interior of the neighborhood, via University Street and all the other streets affected by it would reduce the quality of life in al of Springfield and in University Heights.

Traffic:

Portland St. is a thoroughfare for motorists wishing to avoid the intersection at Sunshine and National. Without stop signs or traffic calming features, motorists drive easily at speeds of 40 or 50 miles per hour with no need to stop between National and Kimbrough. If University St. is made an ingress of the proposed retail center, the entire neighborhood will have increased traffic. Entry from National or Sunshine would cause the blocks long traffic jams at rush hour to worsen. There are frequent auto crashes on National, at the intersections of all the east-west streets around the neighborhood. This will not be reduced by adding commercial structures *within* our neighborhood. A newer traffic count than what is available online (2004, 2011, etc) will show that the neighborhood and the intersection at National and Sunshine is overwhelmed with traffic. It's an area to be avoided, not an attractive retail spot. University and Hampton, and most of the nearby streets are not wide enough to handle a lot of two-way traffic plus parking. None of the neighborhood streets have that ability, and it would become quite dangerous for children and pedestrians.

City Council:

It's become known through conversations between neighborhood residents and Councilman Richard Ollis that he was aware of specific site plans before University Heights residents and that Mr. Duda has shared this information directly with the Councilman while neighbors were asking repeatedly for that same information. During this conversation, Mr. Ollis' response to neighbors was that he is in favor of the project, doesn't understand why the neighborhood would object, and that we should go to the meeting to talk with Mr Duda at the DoubleTree Hotel on North Glenstone. He seemed to know a lot of detail and to already have made a decision before any official and objective processes and procedures have taken place. I feel

strongly that Mr. Ollis should recuse himself from this process. His relationship with Mr. Duda has already compromised the process, and Mr. Ollis is no longer qualified to be involved or to vote on any Council action related to this re-zoning proposal. Recently, Mr. Duda requested individual time with each Councilman to explain and promote his development proposal; if that time is given to Mr. Duda, I believe each and every neighbor in University Heights should be given the same opportunity. Please let us know how we can make those appointments.

Conclusion:

I sincerely hope that the good of the city, the good of the neighborhood and its residents, and the quality of life in Springfield will be foremost in the decision making regarding this re-zoning proposal. The desire to live in Springfield at all is much reduced when we allow our neighborhoods and our history to be destroyed so easily. Even more than has already been the case, the destruction of beautiful neighborhoods will result in the residents moving out of the city to join the sprawl on the edges. Forward-thinking city planning should not allow this. Destruction of history and character in favor of re-zoning for commercial would be horribly short-sighted and the kind of loss **forever** felt by this city. Please think of the future by regarding highly the **best** of our past.

Thank you for your consideration. The good of the city is in your hands.

Gwen Walstrand

1116 East Portland

Springfield, MO 65807

417-234-0745

From: [Hunter Austin](#)
To: Zoning@springfieldmo.gov
Subject: university heights/rezoning of nw corner
Date: Tuesday, September 6, 2022 5:47:52 PM

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planning and zoning commission,

my name is Hunter Austin and I live at 939 East Kingsbury St. my home has been the home of my family since 1946.

I am adamantly against the rezoning of the NW corner of sunshine and national for the following reasons:

1. The additional traffic load on our neighborhood. ingress/egress from national is already greatly impacted all the way up to Bennett Street. pedestrian use is already dangerous as it is, and should be addressed once this rezoning issue is put to rest.
2. all property values are at serious risk of decline if this rezoning happens.
3. University Heights is one of the premier neighborhoods in the City of Springfield. It did not become the historic and beautiful city asset that it is by accident. Rezoning any portion of this neighborhood is a step in the wrong direction.
4. in an area that already has problems with stormwater runoff, removing grasses, trees and other permeable and absorbent material and replacing it with concrete/asphalt is an irresponsible consideration to say the least. especially considering the time and effort the city spent for just that affect on fassnight creek near the museum.

and finally

5. The rezoning of these properties does not follow the cities existing comprehensive plan or soon to be ratified ForwardSGF plan. University Heights is classified as “residential neighborhood -traditional” and should be afforded all of the protections of such.

sincerely,
hunter austin
939 e kingsbury
springfield mo 65807

sent from my J-38 straight key electrical telegraph

From: Alahmad.Ibrahim
To: Zoning@springfieldmo.gov
Subject: National and Sunshine Planning and Zoning.
Date: Monday, October 24, 2022 3:59:14 PM
Attachments: [image13c8ce.PNG](#)

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To whom it may concern,

I am unable to attend the planning and zoning hearing due to a conflict with my work schedule and short notice. That said, I'm a resident of University Heights and I am opposed to the zoning of the land at the corner of Sunshine and National for general commercial use due to multiple considerations:

1. Safety – I am the father of 3 children under the age of 14, who ride bikes and walk through university heights. Already, due to the traffic congestion at National and Sunshine, many motorists are using Portland as a through street and on more than one occasion almost hit one of us.
2. Traffic – As noted above, is already rough at that intersection (Sunshine and National), adding an additional commercial building will only make it worse. Adding an additional commercial building will only further that congestion causing motorists to choose other routes, often zipping through our neighborhood.
3. Need – There are many vacant commercial buildings along Sunshine east of that intersection, many have been vacant for several years, what benefit would there be to add another for sake of destroying historic houses within a historic neighborhood?

Please take these points into consideration, as I feel this development has been largely focused on creating another commercial property without considering its impact in the local residential areas or the safety and wellbeing of its neighbors.

Sincerely

Ibrahim Alahmad

Ibrahim Alahmad MSN, APRN, FNP-BC, FMCSA-CME
Nurse Practitioner, CoxHealth East Battlefield
Phone: (417) 269-9530 | Fax: (417)-269-9539 | Mobile: (417) 425-6561
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coxhealth.com



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From: [Jackie K.](#)
To: Zoning@springfieldmo.gov
Subject: Preserving Old Historic Homes
Date: Thursday, August 18, 2022 6:57:13 PM

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Greetings,

I was unable to participate in the meeting tonight, but I wanted to express my concern. These are beautiful homes which we won't want to see tore down and have a gas station, strip mall, or some sort of housing there. This is a community and we are tearing down parts that make this city unique. I live in the Rountree area, where yes it is expensive to preserve these homes but we sure love how beautiful our neighborhood is. These homes should be saved! National is a beautiful street with low hanging trees along with beautiful homes. We don't want National to feel like Glensone!

I also noticed a few smaller homes that were knocked down a little farther north, and I do hope that land isn't going to turn into more apartments or a strip mall.

Sadly, I am friends with a couple of these apartment builders (while they don't know my true feelings of apartments) they have shared information with me that most of these places are never fully occupied and they just keep building more because they can! Please, for the love of Springfield stop with the apartments especially near Rountree and University Heights.

Thank you for your time,
Jackie Lewis

From: [James England](#)
To: Zoning@springfieldmo.gov
Subject: Rezoning case 7-23-2022
Date: Friday, September 9, 2022 4:04:56 PM

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

We live at 940 E University, Springfield, MO. We would respectfully voice our opposition to Rezoning Case 7-23-2022 with Conditional Overlay District Number 220 at the NW Corner of Sunshine and National. If rezoned as requested, an increase in dangerous neighborhood traffic will occur. It will also irreparably harm the unique historic character of the neighborhood.

We would also request an administrative pause in considering rezoning requests along our historic corridors.

Thank you for your attention to these matters.

James C. and Sally A. England

Sent from my iPhone

From: [James England](#)
To: Zoning@springfieldmo.gov
Subject: Proposed project at Sunshine and National
Date: Monday, October 24, 2022 2:19:43 PM

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

We would like to register our strong opposition to the rezoning proposal for the above properties. As is well documented, that intersection is one of the busiest and most dangerous in the city. A commercial development would only increase the traffic load there and through our residential neighborhood, University Heights. Thank you for your attention to this matter.

James and Sally England
940 E University St
Springfield, MO 65807
417/343-5258

Sent from my iPhone

From: [Jeanette Rouse](#)
To: Zoning@springfieldmo.gov
Subject: Letter of opposition for rezoning
Date: Monday, September 12, 2022 5:31:32 AM

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

To the Zoning board,

This letter is in regards to the rezoning of the corner of Sunshine and National entrance to University Heights Neighborhood from Residential-Single Family (R-SF). I am voicing my opposition to this action.

As a resident of 1125 E University St since 2013, I state the following reasons to keep this section as residential:

- 1.) The rezoning does not follow the City's existing Comprehensive Plan or the soon to be ratified Forward SGF. These plans designate all of University Heights strictly Single Family Residential. It is classified as "Residential Neighborhood- Traditional" and should have the protection of such.
- 2.) There are no changing conditions that make rezoning necessary; University Heights is enjoying the highest property values in its history and maintains among the highest property values in Springfield. As I have watched a number of these homes go up for sale, it is generally not long before they are sold and the comment from the new owner is "we have always wanted to buy a home in this neighborhood"
- 3.) University Heights has always been residential and has no commercial development within its boundaries.
- 4.) Further removal of lawns, trees and grass would threaten increased water runoff and flooding within an area that is prone to this type of problem already.
- 5.) As a resident in the first block of E University off National, I encounter on a daily basis the congestion that has increased over the last few years. Traffic is so backed up to go North we need to navigate through the neighborhood to Bennet and if we need to go south it is slow to have any car allow another to get onto National. When trying to turn west onto our street in the afternoon it is impossible as the turning lane does not allow enough space for this action, it is a most dangerous situation where one needs to head west on Sunshine to turn into the neighborhood to come back east to get home. It goes without saying that the traffic would increase if this block of properties were re-zoned for commercial use and those historical homes torn down for development of any kind. I will further state that as Mercy Hospital system has grown, noise pollution and traffic has increased. Cox Health System is in the midst of further addition of traffic with the construction of new facility on the southwest corner of National and Sunshine
- 6.) It is estimated that if this rezoning should happen that our street alone would have an

increase of 1000 cars per day. A safety issue already has increased with speeding cars and running stop signs in this quiet section. Along with this we have an increased threat for security of property.

On a more personal note, we moved to Springfield about 10 years ago from Howell County. We would come to Springfield to purchase supplies for a small business we owned at the time as well as various meetings and events that we would attend for non-profit organizations. We would drive by this lovely neighborhood often and discuss how cool this neighborhood looked without knowing much more about it other than the feel as we would drive by. We had no intention of moving to this specific area but found the house we purchased once we had to take up roots to move to Springfield. (It happened to be a Bissman home ½ block off National Ave).

I would also like to state that the houses that are being targeted for destruction seem to be counterproductive to the vision of SPF Forward with regards to historic neighborhoods. the destruction of these beautiful old historic homes would devalue the remaining homes in the neighborhood. Over the years, there have been small seminars on the history of University Heights – This neighborhood is full of unique, one-of-a-kind homes that have the charm and history of a local resident's vision and how little by little if this is allowed to proceed and developers tear down the homes with this rezoning, it will only be the beginning of encroachment into our neighborhood for commercial profit.

In closing and with all due respect, I would like to emphasize the city should value this area and it is my hope that any attempt to rezone in a way that would destroy the existing structures will not be supported at all as this will only begin a loss of this little gem of a historic unique neighborhood. You are our hope as fellow citizens of Springfield to vote for the people's choice that live in University Heights over commercial profit.

Sincerely,

Jeanette Rouse

1125 E University St

Springfield, MO 65807

From: [Jeani Thomson](#)
To: Zoning@springfieldmo.gov
Subject: Sunshine and National Project
Date: Monday, October 24, 2022 2:15:12 PM

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

I have resided at 1029 E. University for over 34 years; previously, I resided at 808 E. Kingsbury for two years, while my husband was in Germany on military assignment. We returned to Springfield and specifically, to University Heights, to rear our four children. We believed then and firmly believe now that it is the best neighborhood in the city. It's walkable, family and dog friendly, borders the lovely Phelps Grove Park, is closely situated to excellent neighborhood schools, and is convenient to workplaces and entertainment. We specifically chose University Heights for all these attributes, and we've invested hundreds of thousands of dollars in making our house a home. It is my ardent belief that our investment of many years and many dollars are at risk because of Mr. Duda's proposed development. I sincerely mean this! I know you've heard all the arguments: traffic being a major concern, along with environmental concerns (most of us with basements have incurred considerable damage through the years because of flooding, which will inevitably be exacerbated by any retail development), noise, safety and crime concerns, and the serious degradation of our financial investment. In particular, University Street is at tremendous risk of becoming a thoroughfare! My home represents my life, my life savings, my family and my self worth. I, like many of my friends and neighbors, am literally losing sleep over the threat this retail development represents. I invite you to drive through our streets, see the unique and consistently well-maintained and improved homes, beautiful yards, residents of all ages walking, multitudes of kids and dogs with them, safely walking, I might add! To what end does general retail serve to promote Springfield in general in this location, or University Heights in particular? I beg you all, seriously, to preserve our homes and quite literally, our lives.

Very sincerely, Jeani Thomson, 1029 E. University. 417/830-2300.

Sent from my iPhone

From: [J E MUETZEL](#)
To: Zoning@springfieldmo.gov
Subject: BK&M Plan
Date: Tuesday, October 25, 2022 6:54:00 AM

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

This email is to the City of Springfield Planning and Zoning Commission. My name is Jeanne Muetzel and I own a home in the University Heights Subdivision. My family's history is considerable in the Springfield area. My grandfather, William Wood Johnson, built the first house on Phelps Grove Park and his father, William Howard Johnson, was the developer for the Meadowmere Subdivision.

I am writing to you to express my opinion about the proposed changes at the corner of National and Sunshine. I am a strong supporter for economic growth in the city of Springfield. I am also a strong supporter of protecting and maintaining the historic areas particularly the older homes in the University Heights and Phelps Grove Park areas.

I believe the proposed plan by the Be Kind and Merciful group will achieve neither economic growth for Springfield nor protect the homes in the University Heights and Phelps Grove Park areas. Yes, the intersection of Sunshine and National is the second busiest in the city (Sunshine and Glenstone is the busiest) but it's volume only. Commercial ventures in that area are not prosperous. The Einstein Bagels on National across from Mercy Hospital had to be taken over by Einstein corporate as the franchise was not successful. Neighbor's Mill Bakery and Café recently closed their store at National and Sunshine and is operating only out of it's store south on Independence. Craft Sushi is still open on National and Sunshine but plans to open a second store on Republic Rd do not bode well for the location at Sunshine and National. The reality here is that the volume of traffic at that intersection makes it an unlikely place for people to want to stop.

The claims by the developer that no one stepped up to buy the house at 1755 South National are disingenuous. At over \$400,000 asking price, no one was going to buy a house unreasonably priced. It was priced so that it wouldn't sell. This has been a long term strategy by Ralph Duda for some time.

If Springfield City Council approves this development, I fear the only thing they will have achieved is significant resentment from the citizens in this community particularly if the majority of the development sits empty within 5-10 years as the northeast corner of that intersection is currently facing.

Phelps Grove Neighborhood Association was successful in stopping the growth southward by Missouri State University at Grand St. Yes, many of the homes north of the park but south of Grand are college rentals and some in disrepair but recently there is movement regarding selling these older homes and remodeling/replacing them, particularly on Loren Street. I see significant potential for this to happen with many of the older homes in the University Heights and Phelps Grove

Subdivision especially given the cost of housing today. This is not simply a guess on my part. I have remodeled/updated two homes – one in each of the subdivisions – in the past eight years. These subdivisions will be revitalized as time goes on as long as the city protects and encourages it.

In closing, I would hope that the city takes a hard look at how badly the commercial development has gone on the NE corner of the intersection and provide an answer of how they plan to fix THAT before they double down on this strategy. It's not a good look at the moment.

Thank you,

Jeanne Muetzel

From: [Jeff VanDenBerg](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Sunday, December 4, 2022 7:14:31 PM

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

Dear Planning and Zoning Committee

I am writing to urge you to reject the forthcoming request from BK&M LLC to rezone the residential properties within the University Heights neighborhood to commercial (application number Z-27-2022 COD #220).

The request clearly violates some of the key considerations for rezoning:

- 1) It is inconsistent with the Springfield Comprehensive Plan and at odds with the recently-adopted Forward SGF, in particular those sections that prioritize comprehensive planning, promoting neighborhood-level input, and protecting center-city residential areas.
- 2) Zoning these properties would be detrimental to the residential character of adjacent properties and to the neighborhood generally. University Heights is one of the city's oldest residential neighborhoods and it should be protected from commercial encroachment, particularly those in which the developers seek to destroy historic homes.
- 3) Rezoning will increase traffic volume and congestion. This will magnify the already-heavy traffic backups at the intersection of National and Sunshine, and, most worrisome, surely create increased volumes of traffic on University and other residential streets in University Heights (Stanford, Kingsbury, and Portland). Motorists using University, Stanford, Kingsbury, and Portland as routes to avoid the National/Sunshine intersection is already a problem. The rezoning of these properties will exacerbate this problem. At various community meetings, BK&M made it clear that they will need to provide access to its development through University Avenue (the 1138 University property). Directing commercial traffic through a residential street such as University Avenue is clearly harmful to the neighborhood.
- 4) The proposed development ("The Heights") is out of scale with its neighborhood location. The developers have proposed up to a six-story building, with a large parking lot abutting residential properties.

Respectfully,

Jeff VanDenBerg
801 East Kingsbury St.
Springfield

From: [Jeremy Hawkins](#)
To: Zoning@springfieldmo.gov
Subject: Historic Corridors
Date: Wednesday, August 31, 2022 7:03:33 PM

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

Dear fellow Springfield folk,

Please establish a moratorium on planning of re-zoning Springfield's historical corridors into business zoning. This would be a huge mistake, causing added congestion and removing beautiful historic homes to put in capitalist trash. As a resident of the Delaware neighborhood, National and Sunshine is already a headache. I am active seeking to do whatever necessary to avoid such a eye sore.

Sent from my iPhone

An Informal Traffic Survey of the 1100 Block of East Portland

By
John Walstrand, ORG

Overview

Portland is the sole east/west through-street between Sunshine Street on the south and Grand Street on the north. On it one can travel from Glenstone Avenue on the east to Fort Avenue on the west. As National Avenue runs north/south through the area, many drivers use Portland to avoid the busy Sunshine/National intersection. The 1100 block of East Portland is the first block west of National. It also includes the grounds of National Avenue Christian Church (NACC), which as we shall see contributes to the traffic in the area.

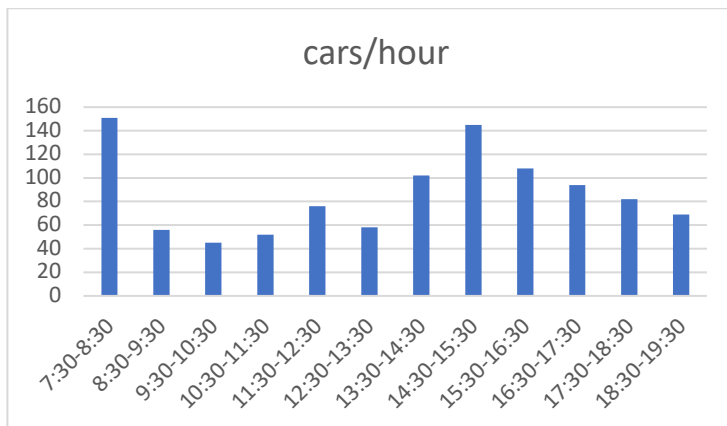
Methodology

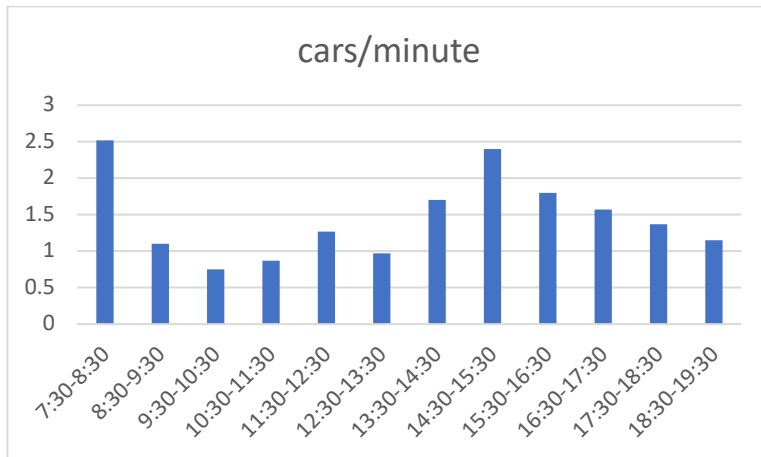
Traffic was counted the week of Monday, October 10 through Friday, October 14, between the hours of 7:30 a.m. and 7:30 p.m. Counts were taken in one-hour blocks of time from the vantage point of my home at 1116 E Portland. The intent was to create a “snapshot” of an average weekday’s traffic.

Data points include westbound versus eastbound traffic, total traffic flow for the block in question, along with hourly and minute averages. Traffic in and out of NACC parking lot was also tallied and its percentage of the total flow calculated.

Overall Traffic Flow

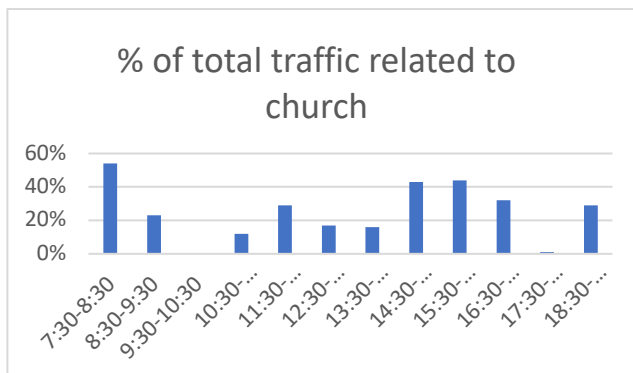
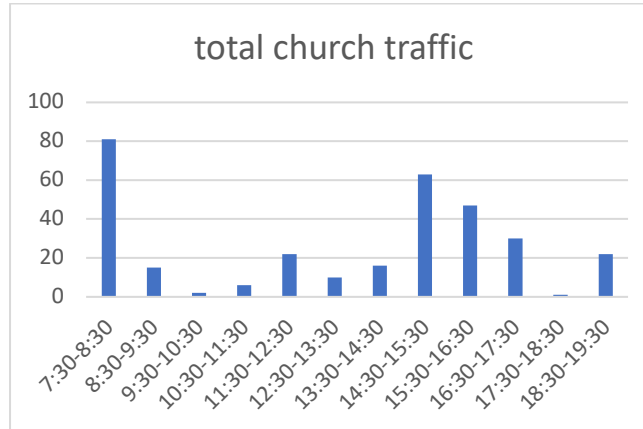
The total vehicle count for the period mentioned was 1,038. 530 were westbound and 508 eastbound. This equates to an average of 86.5 cars/hour, or 1.45 cars/minute. The early morning and mid-to-late afternoon peaks shown in the chart below are due largely to NACC traffic and will be discussed in a later section.





Impact of NACC on Traffic Load

If we compare the graphs below with the previous graphs the impact of NACC on neighborhood traffic is clear. The early morning peak is due to students being dropped at the Montessori school housed on church premises. The mid-to-late afternoon peaks are also partly due to the students being picked up. In addition to the Montessori school there appear to be various other activities at NACC, which seem to account for the sustained late afternoon numbers and the peak between 6:30 and 7:30. Overall, NACC creates 25% of the traffic along the 1100 block of East Portland.



Conclusion

Below is a chart with data from city-conducted traffic counts in the neighborhood. The first count is the exact stretch of Portland covered in my study.

Traffic Count Locations	Date	Count
Portland Street between Hampton and National avenues	4/13/2011	688
Hampton Avenue between Portland and Kingsbury streets	4/13/2011	42
University Street between Hampton and National avenues	1/08/2002	184
Hampton Avenue between Sunshine and University streets	1/08/2002	181

Let's assume the city's study covers a twenty-four hour period as opposed to the twelve hours reflected in my count. But for the sake of argument and comparison, let's call it twelve hours.

The city counted 688 cars versus my count of 1,038. This amounts to an increase of more than 50%. As the city's study pre-dates the establishment of the Montessori school, one can assume it is responsible for a large share of this increase. If a social institution has this large an effect on neighborhood traffic, imagine how much greater an impact a commercial development will have on traffic flow through the neighborhood, especially along streets closest to the proposed site.

From: [John Walstrand](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Tuesday, December 6, 2022 11:02:08 AM

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

Dear Commissioners,

As a lifelong resident of University Heights I am adamantly opposed to BK&M's rezoning request. I feel that a change to commercial zoning anywhere within our neighborhood, but especially at the proposed site, would be the first step to overall degradation of this unique Springfield neighborhood.

While my reasons for this opposition are many, and I'm certain others have stated them more eloquently, my main concern is an increase in traffic. The developers' absurdly low traffic impact numbers aren't borne out by my experience living on East Portland.

To that end I have attached my own traffic study and its findings. I appreciate your taking the time and effort in considering my observations.

Sincerely,
John Walstrand
1116 E Portland
Sent from my iPad

From: [Josh Decker](#)
To: Zoning@springfieldmo.gov
Subject: Opposition to Application for Rezoning of 1755 S. National Avenue
Date: Monday, October 31, 2022 12:18:12 PM
Attachments: [image001.png](#)

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

To Whom It May Concern:

The stately white house at 1755 S. National Avenue served as the cornerstone of the University Heights neighborhood for nearly a century, only to suffer an ignominious demolition at the hands of the latest and now boldest profit-seeking developer to purchase the old home at an inflated price speculating on a zoning change. Boarded up with false claims of uninhabitability, the home met its demise behind an ironic banner reminding Springfieldians to “be kind & merciful.” Yet the developer shows no kindness, and intends no mercy for the hundreds of folks, like me, who call University Heights home. Folks who wish to preserve the character of the University Heights neighborhood - a center-city neighborhood where generations of homeowners preserve beautiful old homes, walk and jog the sidewalks and streets, where we know our neighbors, where we have quality of place. A neighborhood worth protecting from the profit-driven commercialization that is being proposed.

Does Springfield care nothing for the preservation of neighborhoods? Can we trust our elected and appointed representatives to protect our investments in our homes from devaluation caused by commercial encroachment? Commercialization of the neighborhood erodes our wellbeing, steals our home values, and transforms it into undue profits for this “kind & merciful” developer. Make no mistake – if 1755 S. National Avenue is re-zoned to allow commercial development, the profits derived by the developers are at the direct expense of the people who call University Heights home. Why should the developer’s lust for profit trump the wellbeing of an entire neighborhood?

Along with my neighbors, I urge opposition to any zoning change to 1755 S. National Avenue. The neighborhood’s fear that any zoning change will fundamentally alter our neighborhood and begin a domino effect that results in further commercialization at our expense is not unfounded and is not mere NIMBY-ism. This is a residential property that is unsuited for commercial development. Any commercial development will degrade the quality of life for those of us that have made University Heights our home. Our once quiet and safe streets will inevitably be subject to intrusive increased traffic. The value of our homes will be negatively impacted due to fears of commercialization down the entirety of Sunshine west of National. Such a blow will cause many of us to reconsider making University Heights, and frankly Springfield itself, our home going forward.

Therefore, I respectfully request the planning and zoning commission DENY any application for rezoning 1755 S. National Avenue.

Thank you for your courtesy.

Sincerely,

Joshua G. Decker

Attorney at Law

JOHNSON VORHEES MARTUCCI

811 N. Boonville Ave.

Springfield, Mo 65802

(417) 720-1366

(417) 720-4745 Fax

josh@4stateslaw.com

From: [Karla Carroll](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Wednesday, December 7, 2022 12:11:04 PM

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

Dear Planning and Zoning Committee,

We are writing to voice our opposition to the rezoning of the properties at the northwest corner of National and Sunshine (application number Z-27-2022 COD #220).

Safe entry and exit from commercial properties at this location onto Sunshine or National would be impossible. This is one of the busiest intersections in Springfield. Southbound traffic on National routinely backs up past Portland Street sending cars trying to avoid the intersection speeding through our residential neighborhood. This problem would only be exacerbated by commercial development. Allowing entry/exit from University would be detrimental to the safety of the many pedestrians and bikers that use this area. Any commercial development on this corner would lead to more traffic congestion and more traffic through the neighborhood.

The rezoning of this area is not a part of the much touted Forward SGF plan. This plan has been years in the making and has a goal of improving the “quality of place”. Currently the University Heights neighborhood has that “quality”. We have a variety of well maintained homes in a safe, livable, walkable neighborhood. The rezoning and commercial development of the National/Sunshine corner will change that for the worse.

In summary we request that you vote against the rezoning of the properties at the northwest corner of National and Sunshine.

Sincerely,

Doug and Karla Carroll
815 E. Portland
Springfield MO 65807

[417-368-8015](tel:417-368-8015)

From: [Ledbetter, Kathryn](#)
To: [Plan Coordinator](#)
Subject: Z-27-2022 COD #220
Date: Sunday, December 4, 2022 5:13:37 PM

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

I am very concerned about the BK&M re-zoning proposal that involves the University Heights properties at National and Sunshine.

As a daily walker, I believe traffic is our biggest issue with this proposal. Our streets are already shortcuts for drivers trying to find a way to avoid backups at National and Sunshine. Portland Street is especially dangerous because it goes all the way from Glenstone to Campbell and beyond. No stop signs exist for a long stretch on Portland from National to Kimbrough to slow them down, and a barely marked crosswalk at Portland and Holland has no effect whatsoever. I cross that intersection with great care because of speeding drivers at any time of the day, not just rush hour. If commercial businesses are established at National and Sunshine, this danger will increase on Portland as well as other streets throughout University Heights. We have a diverse neighborhood that includes retirees like me and my husband, as well as families with small children. Someday one of our children or walkers like me will be injured or killed by drivers who are tired of sitting in traffic at National and Sunshine and impatiently rush through any street in University Heights to get somewhere faster.

Perhaps my neighbors have written to you about other issues such as noise. I live two streets north of Sunshine between Holland and Kimbrough, which is about mid-way between National and Campbell. I hear ambulances, helicopters, and loud mufflers until late at night, and I'm not even adjacent to the hospital intersection at National or the fast-food intersection at Campbell. The noise level will increase as traffic flows through our neighborhood streets.

I am also concerned that Springfield's future development will not be properly focused on a love for the natural environment that characterizes our regional Ozarks identity. The last remaining strip of single-family homes on Sunshine is in University Heights. BK&M has included several of these properties in their re-zoning proposal. When these houses go down, so will our beautiful old heritage oak and maple trees and a uniquely Springfield Bissman house or two. Most University Heights neighbors work hard to cultivate colorful perennials and native plants to attract birds, bees, and butterflies. This can only add to Springfield's reputation as an attractive place to live. If the entire northern stretch of Sunshine from National to Jefferson gets developed (and it undoubtedly will, once the dominoes begin to fall), our neighborhood will become a back yard for traffic fumes, noise, trash, and aggressive trash-eating birds such as starlings and grackles that feed off garbage bins and parking lot debris. These large urban scavengers chase away whatever songbirds remain in Springfield. Unlike most other birds in Springfield, they also roost in open spaces in houses, creating a filthy nuisance as well as disease.

Preserving a neighborhood is not anti-development. It is pro-growth because it attracts new people to a city that respects its green spaces, however small. If more commercial development is allowed on Sunshine and National, problems will only increase. Then you will soon have to decide about making National an expensive freeway, and we will look like an empty grid with no personality, no trees, no charm, no nice homes close to the city center.

Upon retiring to my hometown of Springfield in 2019, I was shocked to see how many homes have been razed in neighborhoods that exemplified Springfield's charm. If we leave the decisions to developers such as BK&M, Springfield will be known only as a town that used to be charming but sold out to concrete, chain stores, and fast-food. Surely you want Springfield to be a live-able city that will attract new residents and be a source of pride for hometown folks. Please hold BK&M at bay and give Springfield some good news about our neighborhood.

Kathryn "Kitty" Ledbetter

Professor Emerita, Texas State University
630 E. Stanford
Springfield, MO 65807
(512) 569-2336

From: [Pulley, Kathy J](#)
To: Zoning@springfieldmo.gov; [Council](#)
Subject: Re: A Letter to Protest Re: Re-zoning of Single Family Properties in University Heights
Date: Monday, October 31, 2022 5:59:01 PM

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

From: Kathy Pulley <kathypulley@missouristate.edu>
Date: Monday, October 24, 2022 at 3:55 PM
To: <zoning@springfieldmo.gov>, <citycouncil@springfieldmo.gov>
Subject: A Letter to Protest Re: Re-zoning of Single Family Properties in University Heights

Dear Members of City Council and the Planning and Zoning Commission,

I am a resident of Springfield and University Heights and I am interested in your role in providing information and direction for our neighborhood, in light of developer Duda's desire to carve up University Heights.

First. Specifically, what are you doing to look out for the best interests of Springfield and University Heights? I don't see your work. I don't see your reports, and I don't see your presence in this debate. Where is the information needed?

I want more information from the city re: how new businesses and/or other rezoning developments, on the north side of Sunshine (from National west to almost Hampton), and on National north (from Sunshine to almost University: eight lots total), will impact traffic in this area for all Springfieldians who go through the intersection? I assume Mercy is interested in how to move emergency vehicles in, around, and through an intersection like National and Sunshine. I assume there has been a study done? I assume there is also a study of how the new Cox Medical Clinic will also impact the traffic? Could you share your reports? What was the traffic numbers before adding Cox and what are the projected numbers if adding more to the corner of National and Sunshine and then moving west with rezoning of area? This seems to be information that everyone needs now, not after you seal the deal with Duda. If members of Council and the Commission have not driven through that intersection from all directions during the morning rush hour, the noon rush hour (usually 11:00-2:00) and the afternoon rush hour (3:00-6:00 p.m), then I encourage you to do so.

As a resident of University Heights for thirty-one years I can tell you that the current load of traffic is a huge challenge. It is not unusual for the traffic on National to be backed up to near Bennett on the north. Currently it is a struggle to get onto National during peak hours, as well as Sunshine. It is also a struggle for folks coming from farther north and the downtown area. So, why would the city entertain the notion of adding more traffic to this intersection?

Also, I understand that the city's future plans did not/do not include rezoning this area? If that is true, why does it seem that you are welcoming Duda? There seems to be a vacuum of information from our city leaders?

My second comment: it is a misnomer to say the "rezoning" question is "on the corner." A beautiful old home was on the corner. Duda bulldozed it out of existence. The reality is this: Duda is working to carve up a bit over one half of the entire block of homes bordered by Sunshine and University, and National and Hampton, according to Duda's packet of material presented at the last meeting. By my count Duda currently owns eight lots in the block and only seven remain. So, you (members of the city council and planning commission) seem to be supporting the carving up over one half of this entire block, and I don't know why you would do that. How does that represent the citizens of Springfield's best interests and the residents of University Heights?

My third point is related to this question: Why are the eight lots that have been purchased for rezoning so superior to other lots nearby that are zoned commercial already? I support strategic economic development in Springfield. But, I am interested in the details—is such rezoning of this particular block strategically good for the city and its members? Some properties make sense and others are not "strategically necessary." For example, if developers strongly desire to be on Sunshine, then what about the land on the northeast corner of Fremont and Sunshine? This land is already zoned for business. What about the property on the southwest side of Fremont and Sunshine? It too has been zoned for business. Because the city has not stuck with its own plans, and because neither the city nor the developers seem to know what is being proposed on the section of land in University Heights, and why University Heights, the community is in a mess.

On this matter, we, the communities and citizens of Springfield deserve better leadership. Perhaps I am missing the location of your reports and what your position is and how you're trying to guide the city. If so, please send me the website that will provide the answers to the questions I've raised above. But please, let me know why you seem (by your silence at least, and perhaps through conversations you are having with Duda) to be looking at only one location on Sunshine and not others? Two others are within one-half mile of National. What is so strategic about carving out the eight personal residences when other land, already zoned commercial is available?

My fourth comment is this: wisdom, experience, and history indicate that what appears to be the "best" thing (in this case, the best economic plan) may not be the best thing after all. There was a time in the late 1990s and early 21st century that MSU was at odds with the folks in the Phelps Grove Neighborhood. The University had bought a lot of lots and converted most into parking lots. At that time it seemed "critical" for economic development to move in the direction south of grand. But, President John Keiser reversed what the university had been doing for "economic development" and committed publicly to no more university property on the south side of Grand. The University even put in a retention basin because so many houses in the Phelps neighborhood flooded during rains and the University was contributing to that flooding. I don't think anyone in the administration at MSU thought such a move was "best" for economic development, but it did wonders for neighborhood relations. The University made good on their "good neighbor policy" and shifted its growth plan toward Park Central, which has been absolutely great for reviving downtown. What a winning move! I mention this as a real example of the need to think through every economic

development plan. I'm not sure that is happening in regard to University Heights, and what seems to be a sudden response to rezone University Heights despite the fact that it's not in the city's plans. Why, again, have you opened a door when there is no strategic "need" for this particular block, and if a location in this area is "needed" then at least two are available and possibly more on Sunshine, between Fremont and Glenstone.

Second, why is the city ignoring deed restrictions that clearly state (as I understand it) that the area of University Heights is to be used as single family dwellings only? It has always been residential, since 1925. It contains no commercial development. So, why are we even having this conversation? Is the city unwilling to adhere to and enforce the deed restrictions? If you have not done so in the past, that does not mean that you should continue to break the Deed restrictions. This is a legal matter that should stand. When will the city honor the individual owners residential property rights as set out to be protected from the beginning?

Finally, a personal example and question: What about **Drainage Problems?** I'm not an engineer, but there are concerns. My concern is this: I've lived at 826 E Kingsbury for 31 years. Despite the beauty of the neighborhood the city has done little to take care of drainage issues that affect me. Not all our streets have curbs and guttering. One of those streets is mine: Dollison (maybe 1689 South Dollison, on the corner at Kingsbury). My house has been close to flooding many many times over 31 years. My garage floods with large rains like the one in August, and the rains almost entered my kitchen door and my utility room. When I called the Public Works Department, (after many months of pushing for a solution in the summer of 2021) I was told that City Works is very busy. However, they said they have a list and my property is on the list. I asked "when can I expect a complete fix, so I'm not constantly worried that my house will flood?" The answer, by the city employee, close to verbatim "well you are #217 and we do 2 or 3 a year." I can do that math in my head: 100 + years they will get to it! Folks, that is a sad and sorry situation. If you approve Duda's plans, whatever they may be, I can't imagine that more drainage issues aren't ahead, and that will not bode well for you, me, or the neighborhood.

I'm not against economic development, but every case of rezoning a neighborhood needs to be strategically assessed on its own merits. I urge you to follow the Deed restrictions. Say "NO" to Duda on the carving up of this neighborhood. The preservation of the neighborhood is critical for central Springfield. Rezoning this neighborhood is not strategically necessary for the growth of Springfield.

Cordially,
Kathy J. Pulley

826 E. Kingsbury
Springfield MO 65807

From: [Kevin Evans](#)
To: Zoning@springfieldmo.gov
Subject: Proposal for rezoning corner properties as unrestricted commercial at Sunshine and National
Date: Saturday, September 3, 2022 12:05:40 PM

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

Dear Chair and Members of the Planning and Zoning Commision,

I want to express my opinion that you that the residential area at the corner of Sunshine Street and National Avenue should not be rezoned as unrestricted commercial but should remain residential.

Here are the reasons:

1. Residential areas in the urban center of Springfield are at risk. Housing is a major issue facing America, and Springfield is no different. While commerce is becoming an online part of our Internet-driven economy and culture, we (people) must live in structures, and these are most appealing as congruent, integral communities. We need to stop cannibalizing the historic residential areas of Springfield to maintain their property values and neighborhood/community appeal. If these properties in question were simply maintained, they would be lovely residences for families. Just imagine, with proper architectural rendering how their appeal would be even greater. Let's fix them up.
2. There is ample commercial space available for development and redevelopment along our commercial corridors. Many commercial buildings are empty, not maintained, or entirely underutilized.
3. Traffic is a major issue at this corner. It backs up nearly $\frac{3}{4}$ of a mile to the north (nearly to Bennett St.) from the intersection between 3:30 and 5:30 pm on work days. Since there was no information presented at the developers public meeting on Thursday, August 18th (let alone a site plan that shows ingress and egress to the proposed location(s), we must assume that traffic will be even more intensely affected by rezoning. Perhaps it is not surprising to have seen the aftermath of two accidents, one of which left an overturned vehicle at Portland and National within a week of the meeting.
4. There is intrinsic value for the City of Springfield in maintaining its historic residential areas. Every desirable major metropolitan area has a core residential area that residents seek to live; these are walkable and enjoyable from a recreational standpoint. University Heights is a beautiful neighborhood where people care about one another and they care about how their neighborhood looks. I spoke with my postman a few years ago at my old residence in Delaware Neighborhood, where I was President of the neighborhood association, and he told me, *"Every day is like a walk in the park."* We want to keep our urban neighborhoods park-like.

Please, deny the petition to rezone the area at the corner of Sunshine and National from residential to unrestricted commercial status.

Best regards,
Kevin Ray Evans

Dr. Kevin Ray Evans
953 E. Linwood Dr.
Springfield, MO 65807
(417) 459-0691

From: [Krystal Smith](#)
To: Zoning@springfieldmo.gov
Subject: University Heights
Date: Thursday, August 18, 2022 7:43:09 PM

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

Hello,

My name is Krystal Smith and I moved to Springfield last year from Houston, Texas. After graduating with my masters degree, I was looking for a town to settle in, that was just the right size and had amenities and housing that I was looking for. Springfield was the perfect place.

One of the big draws of this city is the old homes and architecture. It gives the city so much character and keeps it from looking just like everywhere else. The last thing we need is another strip mall or nondescript chain business. I am all for banning Airbnbs, because they ruin neighborhoods and communities. But please leave the historic homes.

There is enough trouble with housing prices and availability in the city, we don't need to add to it by taking away homes that people could rent or purchase. We need to expand housing opportunities and work to preserve the older rugged nature that makes Springfield so unique.

Thank you for your time.

WARRANTY DEED - WITH EASEMENT, ALLEGEDLY

THIS INDENTURE, Made on the 4th day of May A.D. One Thousand Nine Hundred and 1922
 by and between Eloise Mackey, a single unmarried woman
 of Springfield, Missouri
James F. Sawyer & Adela Sawyer, husband and wife
 of the County of Greene, in the State of Missouri, part 1st of the second part

WITNESSETH, That the said part 1st of the first part, in consideration of the sum of
\$1.00 & other valuable considerations
 for her paid by the said part 1st of the second part, the receipt of which is hereby acknowledged, do by these presents
 bargain and sell, convey and confirm unto the said parties of the second part their heirs and assigns, the following described
 tracts or parcels of land, lying, being and situate in the County of Greene and State of Missouri, to wit:
All of Lot 311, UNIVERSITY HEIGHTS ADDITION to the City of Springfield, Greene County, Missouri
 Nothing to be erected thereon excepting a private residence of brick, stone or concrete
 to cost not less than \$8000.00 and to set back not less than 75-ft. from the front property
 Subject to a right-of-way covering the West 10-ft. of this lot, for water mains, electricity,
 sewerage, etc.

Internal Revenue cancelled

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto
 in anywise appertaining unto the said parties of the second part and unto their heirs and assigns forever, the said
first party
 hereby warranting that she is lawfully seized of an inheritable estate in fee in the premises herein conveyed, that she
is of legal age and of sound mind, that the said premises are free and clear of any incumbrances done or suffered by her
or her ancestors, and that she will warrant and defend the title to the said premises unto the said
parties of the second part and unto her heirs and assigns forever, against the lawful claims and demands of all persons whomsoever
 excepting taxes due and payable in the year 1922 and thereafter

IN WITNESS WHEREOF, the said part 1st of the first part has hereunto set her hand and seal, the day and year
 first above written

I, Eloise Mackey, have met in the presence of us,

Eloise Mackey

(SEAL)
 (SEAL)
 (SEAL)
 (SEAL)

WITNESSETH

day of

192

, before me personally appeared

WARRANTY DEED

THIS INDENTURE, made on the 11th day of March, A.D. One Thousand Nine Hundred and thirty-eight, by and between J. Warren Sanders and Helen Sanders, his wife, Springfield, Greene County, Missouri, and Doris Lovell, part 100 of the first part, and

of the County of Greene, in the State of Missouri, part 7 of the second part, WITNESSETH: That the said part 100 of the first part, in consideration of the sum of One Dollar and exchange of property, do hereby acknowledge, as by these parties bargain, and sell, convey and confirm unto the said part 7 of the second part, her heirs and assigns, the following described lots or parcels of land lying, being and situate in the County of Greene and State of Missouri, to-wit:

All Lot ten in University Heights, an addition to the City of Springfield, Missouri. Subject to building restrictions as provided in deed from Elsie Mackey to J. Warren Sanders dated June 35, 1925, recorded in Book 487, page 367. Subject also to the provisions in said deed from Elsie Mackey to J. Warren Sanders to the effect that the west ten feet of said lot is reserved and right of way given to cross said lot for electric lights, city water, gas and sewer.

Internal Revenue 50¢ cancelled 3/11/38 J.W.S.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto the said part 7 of the second part and unto her heirs and assigns forever, the said parties of the first part hereby covenanting that they are lawfully seized of an indefeasible estate in fee in the premises herein conveyed, that they have good right to convey the same; that the said premises are free and clear of any incumbrances done or suffered by them or those under whom they claim; and that they will warrant and defend the title to the said premises unto the said part 7 of the second part, and unto her heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.

except taxes payable for the year 1938 and thereafter and also excepting as to building restrictions and reservation as above set out.

IN WITNESS WHEREOF, the said part 100 of the first part has hereunto set the ir hand and seal on the day and year first above written.

Signed, sealed and delivered in the presence of us.

J. Warren Sanders (SEAL)
Helen Sanders (SEAL)
(SEAL)
(SEAL)

STATE OF MISSOURI
County of Greene

Book 487- page 307

WARRANTY DEED - With Return of Acknowledgment

THIS INDENTURE, MADE ON THE 19th day of June 1925, between One thousand Nine Hundred and Twenty-five of the County of Greene, State of Missouri, by and between Eloise Mackey, a single of the first part, and J. Warren Sanders of the County of Greene, in the State of Missouri, part y of the first part, and his of the second part.

WITNESSETH, That the said part y of the first part in consideration of the sum of One dollar & other valuable considerations Dollars to her, of the second part, by these presents grant, bargain, and sell, convey and confirm unto the said part y of the second part his heirs and assigns the following described lot, tracts or parcels of land, lying, being and situate in the County of Greene, and State of Missouri, to-wit: All All of lot number 22 (20) in University Heights, an addition to the City of Springfield, Greene County, Missouri, nothing to be erected thereon excepting a private residence of brick, stone or stucco construction to cost not less than \$8000.00 and to set back not less than 75 feet from the front property line. The purchaser hereby agrees that he will not erect a garage on this property and a place of abode, even temporary.

The west 10 feet of the above described lot is hereby reserved and right-of-way is hereby given to cross said lot for the electric lights, city water, gas, sewer, etc.

I.H. Stamps 50¢ cancelled.

TO HAVE AND TO HOLD the premises aforesaid with all and singular the rights, privileges, appurtenances and immunities thereunto belonging or in anywise appertaining unto the said part y of the second part and unto his heirs and assigns forever, the said first party hereby covenanting that she is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that she has a good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by her or those under whom she claim a and that she will warrant and defend the title to the said premises unto the said part y of the second part, and unto his heirs and assigns forever, against the lawful claims and demands of all persons whomsoever Except taxes for the year 1925 and thereafter

IN WITNESS WHEREOF, the said part y of the first part has hereunto set her hand and seal -

Signed, Sealed and Delivered in the presence of

Eloise Mackey (SEAL)
(SEAL)
(SEAL)
(SEAL)



CO-FOUNDER

THEODORE L. JOHNSON, III

MEMBERS

CRAIG F. LOWTHER

MICHAEL K. CULLY ¹

JOHN W. HOUSLEY

DAVID A. FIELDER

GLENN P. GREEN

THOMAS M. BENSON

RANDY J. REICHARD

LEE J. VIOREL

RUSSELL W. COOK ^{1,2}

MATHEW L. PLACZEK

AARON M. KLUSMEYER

KYLE HARMON

GREGGORY D. GROVES

N. AUSTIN FAX

ADLAI GROVES

MEGAN N. CRESON

ASSOCIATES

AIMEE L. MORRISON

KENNETH A. BECK

KEVIN A. SCHARF

B. JACOB HASKINS

¹ ALSO ADMITTED IN ARKANSAS

² ALSO ADMITTED IN KANSAS

DIRECT EMAIL

lvioREL@lowtherjohnson.com

901 ST. LOUIS STREET

20TH FLOOR

SPRINGFIELD, MISSOURI

65806-2592

TELEPHONE :

(417) 866-7777 EXT 242

FACSIMILE :

(417) 866-1752

WEB

www.lowtherjohnson.com

October 27, 2022

Sent Via Email: rlewsader@springfieldmo.gov

Rhonda Lewsader, City Attorney
City of Springfield

Sent Via Email: jburris@springfieldmo.gov

Jill Burris
City of Springfield

Sent Via Email: zoning@springfieldmo.gov

Bob Hosmer

RE: **University Heights Dispute**
Matter ID 37559-000

Dear Bob, Rhonda, and Jill:

I had information from several members of the University Heights Neighborhood that the city has invited University Heights Neighborhood Association Board Members to a meeting to better understand the neighborhood's concerns as to the BK&M, LLC proposal. I represent a group of 18 owners in University Heights with interests in the BK&M, LLC proposal that would not be represented by the board at such a meeting. The Membership has neither met nor voted on the issue. Section 3.1(c) of the UHNA Bylaws provides that the Board is in charge of day-to-day operations, therefore, the Board has no authority to represent the Membership at this point.

The group that I represent believes that it has unique perspectives to add to any such a meeting and would ask to be a part of the meeting so that the City has a full and complete understanding of the issues involved. Those would include the Restrictive Covenants, but also other key issues with respect to the City's stated purpose with respect to neighborhoods, the long-term plan, vision 2020, the comprehensive plan, and others. It is imperative that Planning and Zoning be reminded of these issues.

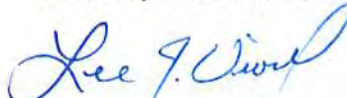
I would like to take part in any such meeting so that I can fully and completely represent my group in the University Heights area. Please advise so that I can take part.

Page 2
October 27, 2022

Thank you for your time and attention to this matter.

Very truly yours,

LOWTHER JOHNSON
Attorneys at Law, LLC



Lee J. Viorel, III

LJV:klc

cc: Bryan Wade
Bryan Fisher
Courtney Fletcher



CO-FOUNDER

THEODORE L. JOHNSON, III

MEMBERS

CRAIG F. LOWTHER

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¹ ALSO ADMITTED IN ARKANSAS

² ALSO ADMITTED IN KANSAS

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FACSIMILE :

(417) 866-1752

WEB

www.lowtherjohnson.com

September 27, 2022

Sent Via Email: dneal@springfieldmo.gov

Mr. Daniel Neal

RE: University Heights/BK&M, LLC Development
Matter ID 37559-000

Dear Mr. Neal:

I write on behalf of a group of 10 homeowners in the University Heights neighborhood with respect to zoning matter Z-23-2022.

In researching the vesting deeds with respect to Lots 10 and 11 in University Heights, it was determined that in the 1920's and early 1930's, deed restrictions were placed on the land.

I am enclosing deeds for Lots 10 and 11, and you will see that there is a specific covenant indicating that there is nothing to be erected thereon excepting a private residence of brick, stone, or stucco construction to costs not less than \$8,000 and to not set back not less than 75 feet from the front property line subject to a right-of-way covering the west 10 feet of the lot.

I am enclosing the recordings from the Greene County Recorder's Office.

We assert that there is a private restrictive covenant with no timetable set forth regarding termination. Once the residence was built upon the property, no further covenant need be asserted. BK&M, LLC has taken subject to that restrictive covenant.

Planning and Zoning should take these restrictive covenants into account when denying the matter Z-23-2022.

Thank you for your time and attention to this matter.

LOWTHER JOHNSON
Attorneys at Law, LLC

A handwritten signature in blue ink that reads 'Lee J. Viorel, III'. The signature is written in a cursive, flowing style.

Lee J. Viorel, III
Representing a Discrete Group of
Homeowners

LJV:klc
Enclosures

Book 487- page 307

WARRANTY DEED - With Warranty, Abstract and

THIS INDENTURE, MADE ON THE 19th day of June, One Thousand Nine Hundred and Twenty-Five, between the County of Greene, State of Missouri, by and between Eloise Mackey, a single woman of the County of Greene, State of Missouri, of the first part, and J. Warren Sanders, of the County of Greene, in the State of Missouri, part of the second part.

WITNESSETH That the said part of the first part, in consideration of the sum of One Dollar & other valuable considerations, Dollars to her, paid by the said part of the second part, the receipt of which is hereby acknowledged, do hereby present, grant, bargain, and sell, convey and confirm unto the said part of the second part, his heirs and assigns the following described lot, tracts or parcels of land, lying, being and situate in the County of Greene, and State of Missouri, to-wit: All All of Lot Number Ten (10) in University Heights, an addition to the City of Springfield, Greene County, Missouri, nothing to be erected thereon excepting a private residence of brick, stone or stucco construction to cost not less than \$8000.00 and to set back not less than 75 feet from the front property line. The purchaser hereby agrees that he will not erect a garage on this property as a place of abode, even temporary.

The West 10 feet of the above described lot is hereby reserved and right-of-way is hereby given to cross said lot for the electric lights, city water, gas, sewer, etc.

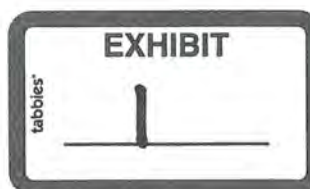
I.R. Stamps 60¢ cancelled.

TO HAVE AND TO HOLD the premises aforesaid with all and singular the rights, privileges, appurtenances and immunities thereunto belonging or in anywise appertaining unto the said part of the second part and unto his heirs and assigns forever, the said first party hereby covenanting that she is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that she has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by her or those under whom she claim and that she will warrant and defend the title to the said premises unto the said part of the second part, and unto his heirs and assigns forever, against the lawful claims and demands of all persons whomsoever. Except taxes for the year 1925 and thereafter.

IN WITNESS WHEREOF, the said part of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of

Eloise Mackey (SEAL)
(SEAL)
(SEAL)
(SEAL)



WARRANTY DEED - With Statutory Acknowledgment

THIS INDENTURE Made on the 6th day of May A. D. One Thousand Nine Hundred and Twenty
 by and between Eloise Mackey, a single unmarried woman
 of Springfield, Missouri
James F. Sawyer & Adale Sawyer, husband and wife
 of the County of Greene, in the State of Missouri, part 1st of the second part
 in consideration of the sum of
\$1.00 & other valuable considerations
 to her paid by the said part 1st of the second part, the receipt of which is hereby acknowledged, do we by these presents
 bargain, sell, convey and confirm unto the said part 1st of the second part their heirs and assigns, the following described
 tracts or parcels of land, lying, being and situate in the County of Greene and State of Missouri, to-wit:
All of Lot #11, UNIVERSITY HEIGHTS ADDITION to the City of Springfield, Greene County, Missouri
 Nothing to be erected thereon excepting a private residence of brick, stone or stucco costing
 to cost not less than \$8000.00 and to set back not less than 75-ft. from the front property line
 Subject to a right-of-way covering the West 10-ft. of this lot, for water, mains, electricity,
 sewerage, etc.

Internal Recourse cancelled.
 TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto
 in anywise appertaining unto the said parties of the second part and unto their heirs and assigns forever, the
first party
 hereby certifying that she is lawfully seized of an inheritable estate in fee in the premises herein conveyed, that she
is and shall so convey, that the said premises are free and clear of any incumbrances done or suffered by her
 or these parties she and that she will warrant and defend the title to the said premises unto the
 party of the second part and her heirs and assigns forever, against the lawful claims and demands of all persons whomsoever
 excepting taxes due and payable in the year 1925 and thereafter
 C. W. McNEIL, Notary Public for the State of Missouri, hereunto set her hand and seal, the day and
 place aforesaid.

Eloise Mackey (SEAL)
 (SEAL)
 (SEAL)
 (SEAL)

WITNESSETH that the above premises were acknowledged before me personally by the said parties on the 6th day of May 1922, before me personally signed



THIS INDENTURE, Made on the 11th day of March A. D. One Thousand Nine Hundred and Thirty, between
by and between
J. Warren Sanders and Helen Sanders, his wife
of Springfield, Greene County, Missouri
of Doris Jewelling

part 108 of the first part and
of the County of Greene, in the State of Missouri, part Y of the second part
WITNESSETH, That the said part 108 of the first part in consideration of the sum of
One Dollar and no exchange of property
to them, paid by the said part Y of the second part, the receipt of which is hereby acknowledged, do
bargain, sell, convey and confirm unto the said part Y of the second part her heirs and assigns, the following described land
tracts or parcels of land lying, being and situate in the County of Greene and State of Missouri, to-wit:

Lot ten in Universal Heights, an addition to the City of Springfield, Missouri.
Subject to building restrictions as provided in deed from Elsie Mackey to J. Warren Sanders
dated June 15, 1925, recorded in Book 487, page 367.
Subject also to the provisions in said deed from Elsie Mackey to J. Warren Sanders to the
effect that the west ten feet of said lot is reserved and right of way given to cross
said lot for electric lights, city water, gas and sewer.

Internal Revenue 50¢ cancelled. 3/11/38 J.W.S.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto be-
longing or in anywise appertaining, unto the said part Y of the second part and unto her heirs and assigns forever, the said
parties of the first part
hereby covenanting that they are lawfully seized of an (indefeasible estate in fee in the premises herein conveyed, that they
ha ve good right to convey the same; that the said premises are free and clear of any incumbrances done or suffered by them
or those under whom they claim; and that they will warrant and defend the title to the said premises unto the said
part Y of the second part, and unto her heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.

except taxes payable for the year 1938 and thereafter and also excepting as to
building restrictions and reservation as above set out.

IN WITNESS WHEREOF, the said part 108 of the first part ha ve hereunto set their hand and seal on the day and year
first above written.

Signed, sealed and delivered in the presence of us.

J. Warren Sanders (SEAL)
Helen Sanders (SEAL)
(SEAL)
(SEAL)

STATE OF MISSOURI,
County of Greene. ss.



Springfield's Most Popular Addition Established Bus Service--Main Loop PAVED STREETS

We are now paving Stanford Street which runs through the center of University Heights. The contract has been let for the paving of Kimbrough from Sunshine to Catalpa, which upon the completion of the Benton Avenue Viaduct will give a paved thoroughfare from Sunshine to Commercial. Sunshine Street on our South has been unofficially dedicated as Highway No. 16—completing a boulevard completely around the city.

City Water and Electric Lights to Every Lot

Fire Protection

We have just recently installed an eight-inch water main through this beautiful addition with ample plugs to assure the best of fire protection and the minimum fire insurance rates on every house in University Heights.

Building Restrictions

A purchase of a lot in this addition assures you also of high class restrictions; no garagettes or frame houses are permitted.

As you drive by stop and see what is being done to make this addition the most popular and ideal residential district in the city.

EXTRA LARGE LOTS

Three Fifty-Foot Lots in One -- Price \$10 a Foot

\$50 Down—\$10 Per Month

COMPARE

Compare our prices, improvements, restrictions and locations with any other in the city. We will be glad to show you why you should build in University Heights.

REMEMBER

Over half the lots in this addition have been sold. It is an established addition and a beautiful, permanent and desirable place for home sites.

Salesmen on the Grounds in the Evenings

DRIVE OUT TODAY

State Savings Trust Co.





Everything Points to UNIVERSITY HEIGHTS

As the Safest Spot for your home if you have future development in mind. You build your home not for days, but for years. You protect the investment with the assurance of permanency of good location.

That is what we offer you, that is what is safe guarded in **UNIVERSITY HEIGHTS** by our building restrictions and our exacting standards of qualifications to become a Home-Owner in this community. A beautiful spot along the trail of future residential development. Reasonable prices. Easy terms. Two beautiful bungalows are now being built in this addition.

STATE SAVINGS TRUST

EXHIBIT

tabbles

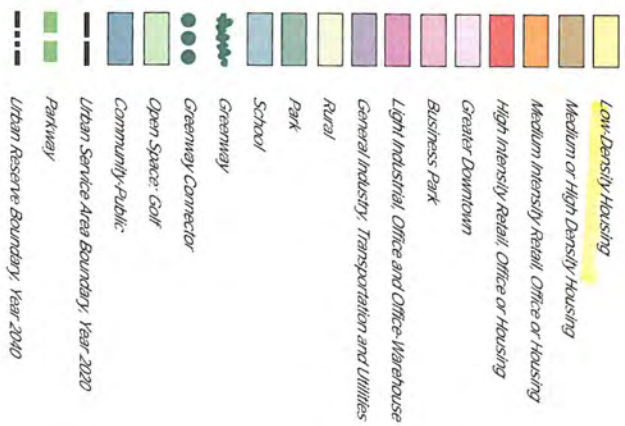
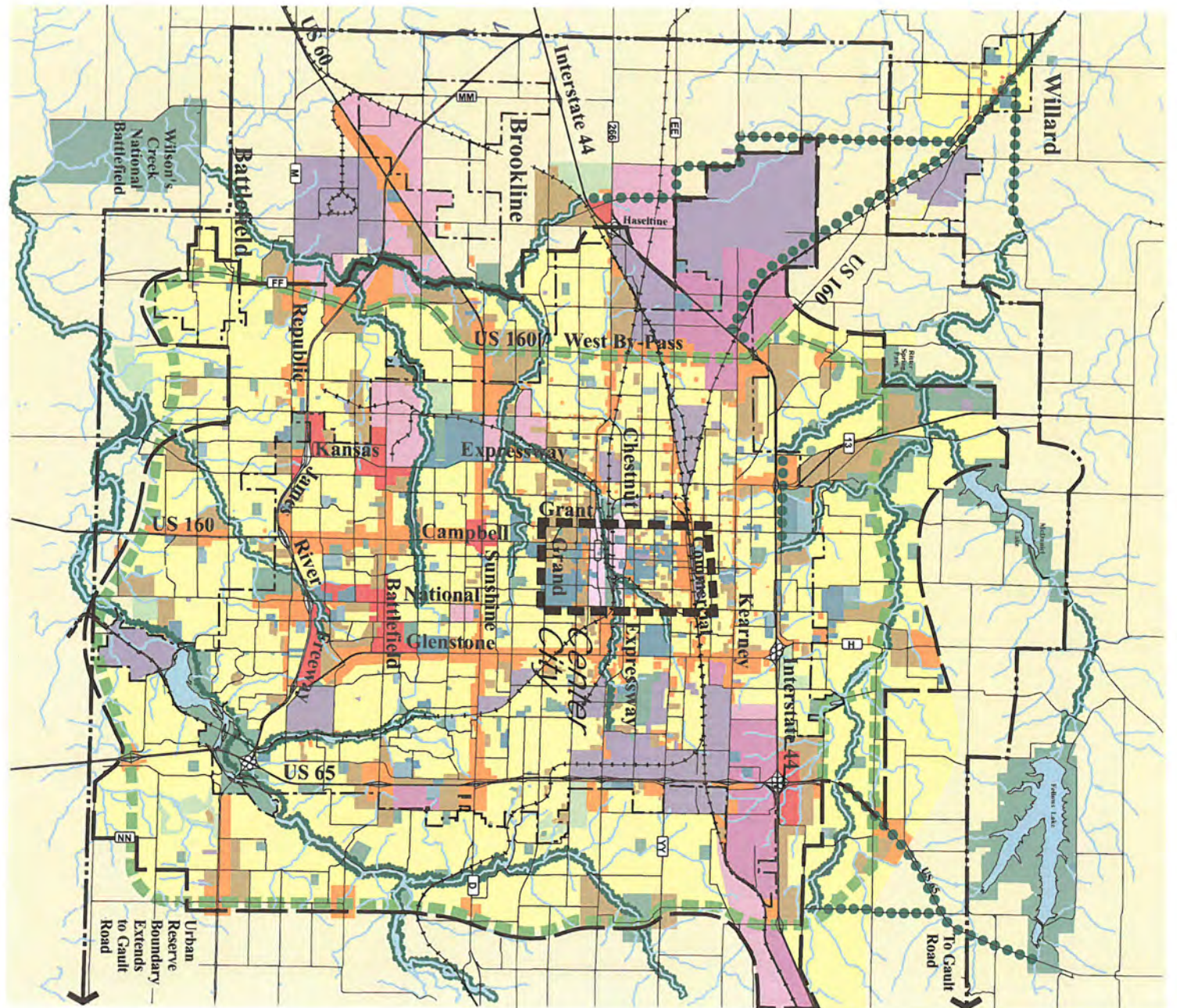
6



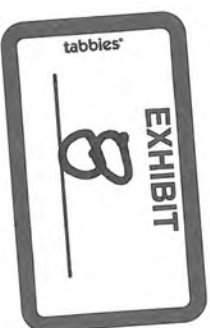
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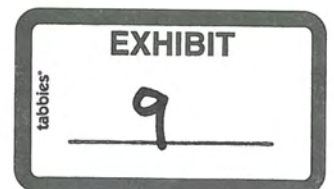
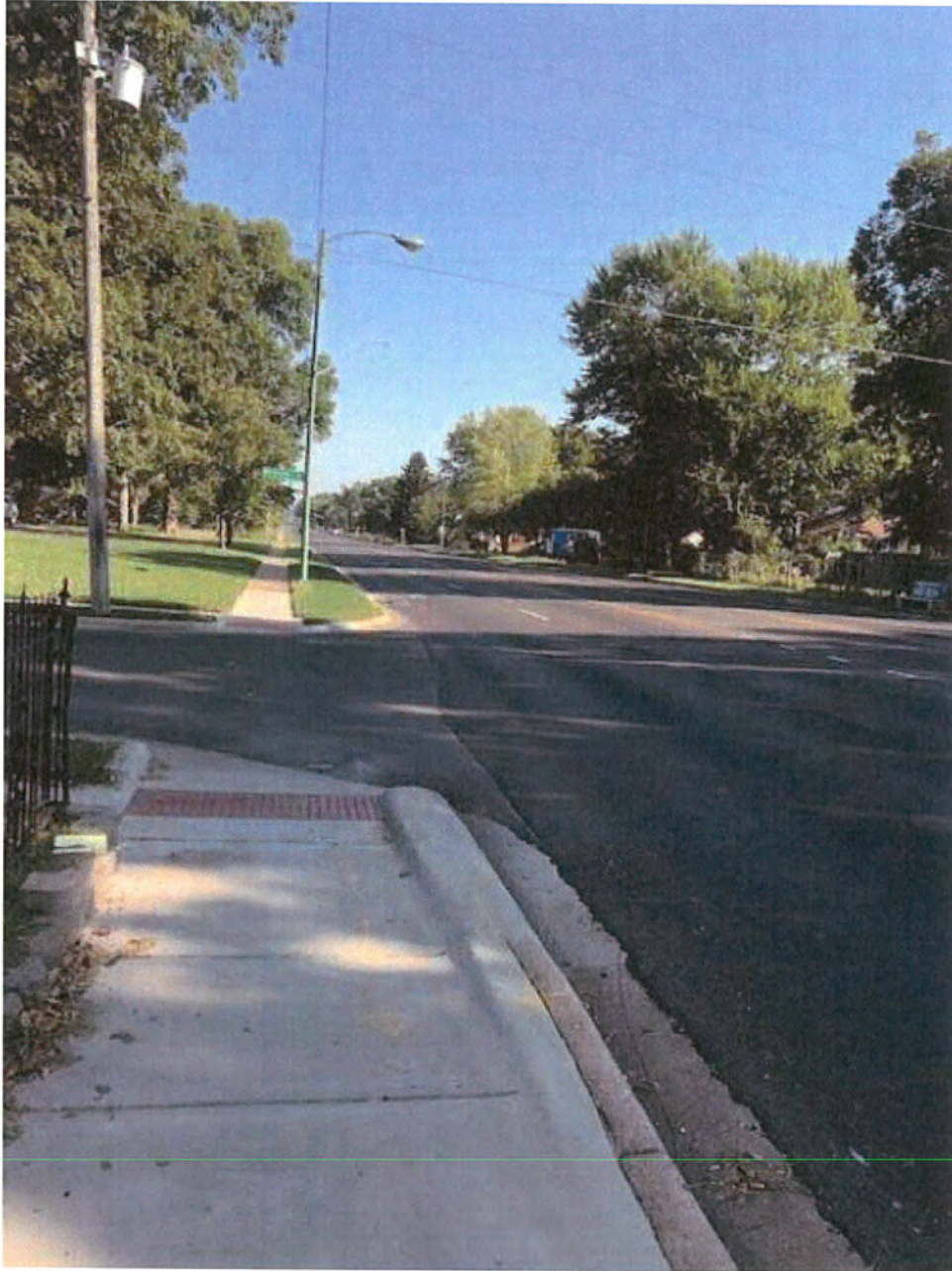
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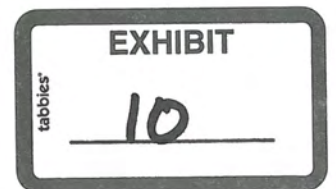
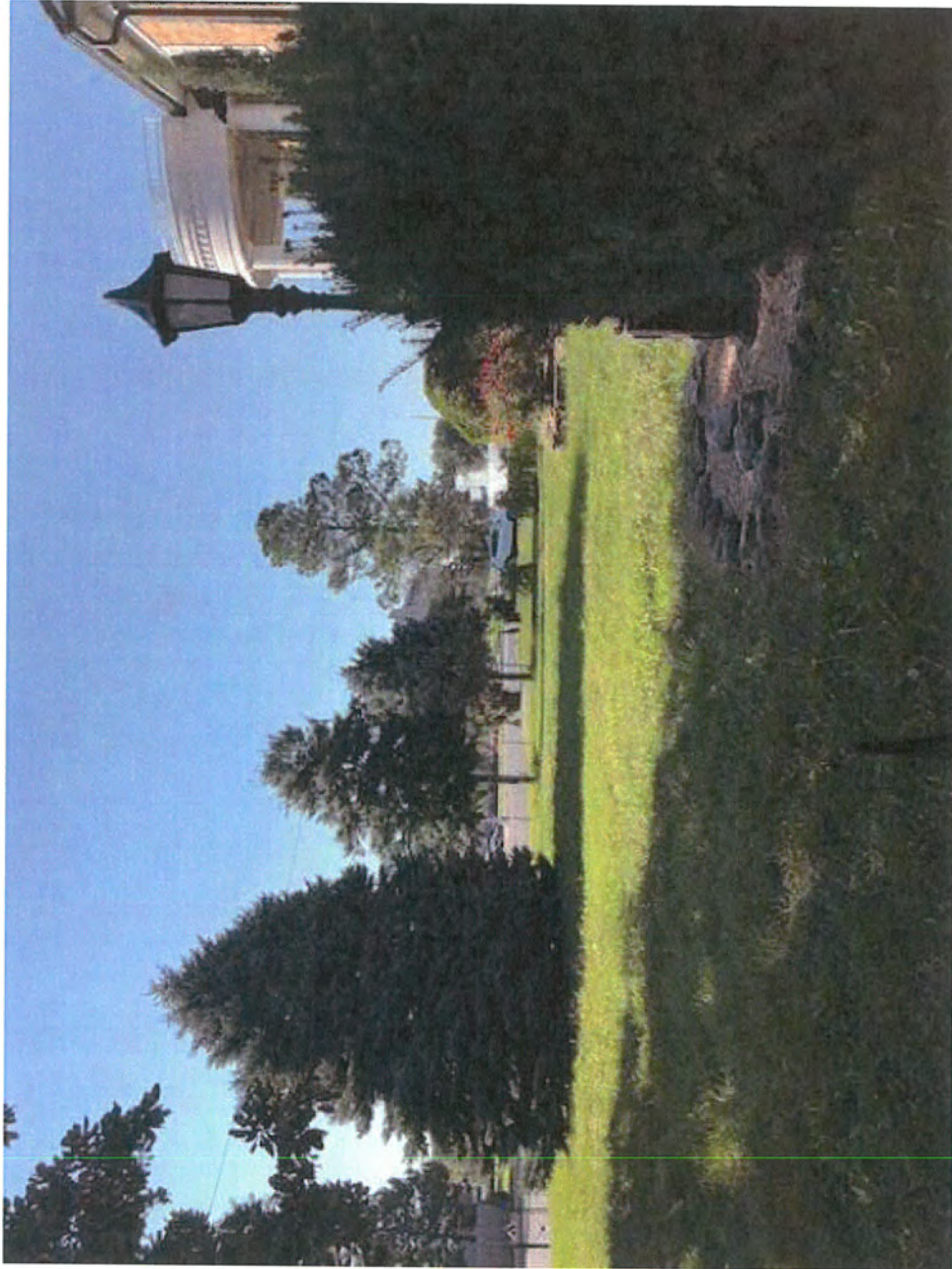
Figure 1
City Context
Center City Study Area



0 1 2 3 Miles











CO-FOUNDER

THEODORE L. JOHNSON, III

MEMBERS

CRAIG F. LOWTHER

MICHAEL K. CULLY ¹

JOHN W. HOUSLEY

DAVID A. FIELDER

GLENN P. GREEN

THOMAS M. BENSON

RANDY J. REICHARD

LEE J. VIOREL

RUSSELL W. COOK ^{1,2}

MATHEW L. PLACZEK

AARON M. KLUSMEYER

KYLE HARMON

GREGGORY D. GROVES

N. AUSTIN FAX

ADLAI GROVES

MEGAN N. CRESO

ASSOCIATES

AIMEE L. MORRISON

KENNETH A. BECK

KEVIN A. SCHARF

B. JACOB HASKINS

COLBY R. HALL

¹ ALSO ADMITTED IN ARKANSAS

² ALSO ADMITTED IN KANSAS

DIRECT EMAIL

kcollette@lowtherjohnson.com

901 ST. LOUIS STREET

20TH FLOOR

SPRINGFIELD, MISSOURI

65806-2592

TELEPHONE :

(417) 866-7777 EXT

FACSIMILE :

(417) 866-1752

WEB

www.lowtherjohnson.com

December 5, 2022

VIA HAND-DELIVERY

Amy Werland
Department of Planning and Development
840 Boonville Avenue
Springfield, MO 65802

RE: **Zoning Hearing on Matter Z-23-2022 for South National
Avenue/East Sunshine/East University Street**
Matter ID 37559-000

Dear Amy:

I represent 20 individuals representing 12 lots in University Heights neighborhood for the Planning and Zoning hearing with respect to Z-23-2022 for BK&M, LLC. I would like to reserve my three minutes of time with respect to the matter and will fill out a card that evening. In addition, we would like to submit the enclosed Exhibits 1 through 11 for review during my three-minute presentation.

Thank you for your time and attention to this matter.

Very truly yours,

LOWTHER JOHNSON
Attorneys at Law, LLC

A handwritten signature in blue ink that reads 'Lee J. Viorel'. Below the signature, the name 'Lee J. Viorel' is printed in a black, sans-serif font.

Lee J. Viorel

LJV:klc

Enclosures



CO-FOUNDER

THEODORE L. JOHNSON, III

MEMBERS

CRAIG F. LOWTHER

MICHAEL K. CULLY ¹

JOHN W. HOUSLEY

DAVID A. FIELDER

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COLBY R. HALL

¹ ALSO ADMITTED IN ARKANSAS

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DIRECT EMAIL

lvioriel@lowtherjohnson.com

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65806-2592

TELEPHONE :

(417) 866-7777 EXT 242

FACSIMILE :

(417) 866-1752

WEB

www.lowtherjohnson.com

December 6, 2022

Sent Via Email: awerland@springfieldmo.gov

Amy Werland

Department of Planning and Development

840 Boonville Avenue

Springfield, MO 65802

RE: University Heights Zoning Request Z-27-2022 w/COD #220
Our Matter ID 37559-000

Dear Commissioners:

I am writing on behalf of 12 lots and on behalf of 20 individuals who live in the University Heights neighborhood, and who oppose the requested rezoning proposed by BK&M, LLC Z-27-2022 w/COD #220. The zoning request seeks to change the historically low-density residential zoning of University Heights to that of general retail. The proposal by BK&M, LLC (hereinafter "Developer") is short on clarity, in that the Request as amended several times, seeks to change zoning but offers little detail on how the land will be used.

For instance, BK&M indicates that it is not sure of the developed square footage which might range from 75,000 square feet to 200,000 square feet. The footprint of the development and size have significant application on the amount of water runoff, parking, traffic, and height restrictions. The intentional vagueness prohibits the Commission from determining if the proposal is feasible and must be rejected for multiple reasons as outlined below.

RESTRICTIVE COVENANTS:

The first and most basic reason for denial of the zoning change is that the landowners are bound by restrictive covenants. A copy of one of the restrictions is attached hereto as Exhibit 'A' and made a part hereof by this reference. The parties, in the 1920's, determined that successive owners would be bound by a restrictive covenant contractually so that the property must be developed only for residential purposes and with specific set back requirements.

During the 1920's the properties were advertised and developed with this restriction in place. Advertising from the period is attached as Exhibit "B" and made a part hereof by this reference.

Developer purchased the properties with that restriction in place and is contractually bound by that provision. A vote to rezone by the Commission is a vote to overturn 100 years of enforced restrictive covenants. The Developer is legally bound by these restrictions, and any action by the Commission would be voidable. It serves no purpose for the Commission in changing restrictions honored for a century with no variances.

CITY COMPREHENSIVE PLAN:

The City of Springfield long range plan provides that this area is a low-density area. Part of the long-range plan and the compact with the County takes note of the special nature of these neighborhoods and a commitment to preserving them as low-density areas. See Residential Land Use Guidelines Objective 17.¹ The City map for zoning indicates a presumption and preference for low density residential in these areas. A copy of the low-density city map is attached hereto as Exhibit "C" and made a part hereof by this reference. The zoning map clearly shows the preference for low density residential use from the National/Sunshine southeast corner to Kimbrough and north.

It is imperative that Planning & Zoning follow the guidance mandated in the City ² Plan and preserve the residential nature of this development. There are 275 homes in University Heights. The proposed development destroys the low-density concept in the City Comprehensive Plan. A five to six story structure would be the second highest structure on Sunshine and inconsistent with the skyline.

Planning & Zoning has recently proposed to City Council a Corridor Study in this area and any zoning requests for this area should be tabled until the Corridor Study is completed.

ACCESS:

BK&M filed an application with the City wherein it proposes an access point on Sunshine traveling west and one on National traveling south. These are to be 400' from an intersection, and neither will be when constructed which will add to congestion. Developer has now orally indicated that it wants an access point on University. That is inconsistent with the application and with the traffic study. That also renders the traffic study by CJW useless because it does not measure use of the University access or take into consideration the turning radius for large box trucks or tractor trailers utilizing the facility/development. A large vehicle turning west onto University would need to utilize a wide turning radius and multiple lanes in executing such a turn. This use is inconsistent with the traffic calming procedure suggested by the Developer.

Additionally, the Developer has now suggested making access restricted traveling west when turning onto University from National. That has not been proposed and will be a significant disruptor in the University Heights neighborhood particularly for those residences abutting the development.

PARKING (On site and Off Site):

Surface and underground parking were designated in the Developer plans and the drawings. The Developer proposes 176 parking spaces, and the traffic report designates a need for 176 parking spaces that supports 66 apartment units. It seems incredulous that the Commission can rely upon this math because the Developer is not certain of the size of the development. What the Developer really seeks is approval of a blank check and then to develop 200,000 square feet requiring many more spaces than currently planned. Further the Developer opined at the neighborhood meeting that there would be 12 cars per day utilizing the retail businesses. More likely a hundred cars per day with a large number using the streets within University Heights. Commission should be suspect of such a number because the commercial establishments cannot survive economically if that were the case. The true

¹ See specifically, Vision 20/20, page 18 of 69.

² City of Springfield Comprehensive Plan, page 25-8 and 25-10

number of parking spaces exceeds the tentative proposal of the Developer and should warrant denial of any rezoning request.

Secondarily, during any construction phase the only method for parking and deliveries would be to park along University. This parking during construction will disrupt the neighborhood.

SAFETY:

The height of the proposed development by Developer is of tantamount importance. The Southeast corner is adjacent to the helicopter pad for Mercy Hospitals. The Commission is intimately familiar with this because of the Cox Health zoning due south of University Heights. The Developer's failure to commit to the number of rooms in the apartments or the specific height of the building raises safety concerns for the landing and liftoff of medical helicopters. A large building will require an approach from the South and could impact lifesaving medical treatment.

University Heights is a very old-fashioned neighborhood with many parents pushing strollers and children on bikes and at play. The Development will insure that the patrons of the development will use the neighborhood streets to avoid Sunshine and National. This is a safety hazard.

WATER DETENTION

The ambiguity in the Developer's plan makes a determination of where and how water runoff is managed indeterminable. When questioned at the neighborhood meeting held at the Doubletree the Developer pivoted by saying it would hire engineers to figure that problem out. If the Developer wants a change in zoning it needs to "figure" those issues out now. Neighbors to the north do not want a lake in their front yards after heavy rainfall. The topography in that corner of University Heights drains from the Southeast to the Northwest. With all of the non-permeable surfaces and roof lines a tremendous amount of runoff will occur.

A 5 inch rain in one afternoon in 2022 had service vehicles all over the University Heights neighborhood cleaning up. This development will insure that smaller rains will have similar impacts.

The Developer offers zero plans for water detention or rainwater management. The developer is presumed to remain discharge neutral with respect to existing City storm water and the creation of the Development mandates that the Developer deal with that issue. A failure to deal with the issue should require the Commission to determine that a rezoning is not feasible.

UTILITIES:

The Developer has failed to provide for where and how the utilities will be dealt with as to the project. There is a fire hydrant currently located where the Developer proposes to place the entrance off of University. The Developer has not dealt with utilities as to overhead or underground. The Developer has failed to deal with water and sewer issues. Both of which should be neutral. It is unclear where garbage containers will be located in the new development but may cause issues.

TRAFFIC:

The Developer commissioned traffic study does not outline its methodology nor does it provide the basis for its data. While it is agreed that this intersection is the third busiest in the City, the lot owners disagree with the peak times listed and the number of cars. Further the traffic study pays little to no attention to those times when the University holds an event and there are surges of cars. The

congestion which will be caused by a commercial development in this quiet residential neighborhood cannot be measured.

SIDEWALKS:

The existing sidewalks will be impacted if additional turning lanes are required. To do that, the City may be required to condemn land of residents North on the West side of National. The Developer does not address their foreseeable outlines.

IMPACT ON PROPERTY VALUES:

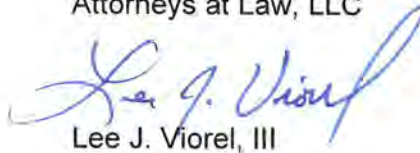
The Developer believes that the development will enhance values. To the contrary, this development will insure that home prices will deteriorate. Property values will decline, as residents move out, because of increased traffic, noise and potential crime.

SUMMARY:

For the above and foregoing reasons these residents urge the Commission to reject the request for rezoning by BK&M, LLC.

Very truly yours,

LOWTHER JOHNSON
Attorneys at Law, LLC



Lee J. Viorel, III

LJV:klc

Book 457- Page 307

WARRANTY DEED - With Warranty

THIS INDENTURE MADE ON THE 10th day of June
One Thousand Nine Hundred and twenty-five
between of the County of Greene, State of Missouri
of the first part, and J. Warren Sanders
of the County of Greene, in the State of Missouri, part
WITNESSETH That the said part of the first part, in consideration of the sum of One Dollar & other
valuable considerations Dollars to her by these presents grant, bargain, and sell, convey and confirm unto
the receipt of which is hereby acknowledged, do as the said part of the second part, and assigns the following described lot, tracts or
parcels of land, lying, being and situate in the County of Greene, and State of Missouri, to-wit: All All of lot number ten
(10) in University Heights, an addition to the city of Springfield, Greene County, Missouri.
nothing to be erected thereon excepting a private residence of brick, stone or stucco construction
to cost not less than \$8000.00 and to set back not less than 75 feet from the front property
line. The purchaser hereby agrees that he will not erect a garage on this property as a
place of abode, even temporary.
The west 10 feet of the above described lot is hereby reserved and right-of-way is hereby
given to cross said lot for the electric lights, city water, gas, sewer, etc.

I.R. Stamps 50¢ cancelled.

TO HAVE AND TO HOLD the premises aforesaid with all and singular the rights, privileges, appurtenances and immunities there-
to belonging or in anywise appertaining unto the said part of the second part and unto his heirs
and assigns forever, the said first party hereby covenanting that she is
lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that she has a good right to convey the same;
that the said premises are free and clear of any encumbrances done or suffered by her
or those under whom she claims and that she will warrant and defend the title to the said premises
unto the said part of the second part, and unto his heirs and assigns forever, against the lawful
claims and demands of all persons whomsoever Except taxes for the year 1925 and thereafter

IN WITNESS WHEREOF, the said part of the first part has hereunto set her hand and seal
the day and year first above written.

Signed, Sealed and Delivered in the presence of

Eloise Mackey (SEAL)
(SEAL)
(SEAL)
(SEAL)



Springfield's Most Popular Addition Established Bus Service---Main Loop PAVED STREETS

We are now paving Stanford Street which runs through the center of University Heights. The contract has been let for the paving of Kimbrough from Sunshine to Catalpa, which upon the completion of the Benton Avenue Viaduct will give a paved thoroughfare from Sunshine to Commercial. Sunshine Street on our South has been unofficially dedicated as Highway No. 16—completing a boulevard completely around the city.

City Water and Electric Lights to Every Lot

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Salesmen on the Grounds in the Evenings

DRIVE OUT TODAY

State Savings Trust Co.

EXHIBIT

B



Everything Points to UNIVERSITY HEIGHTS

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STATE SAVINGS TRUST

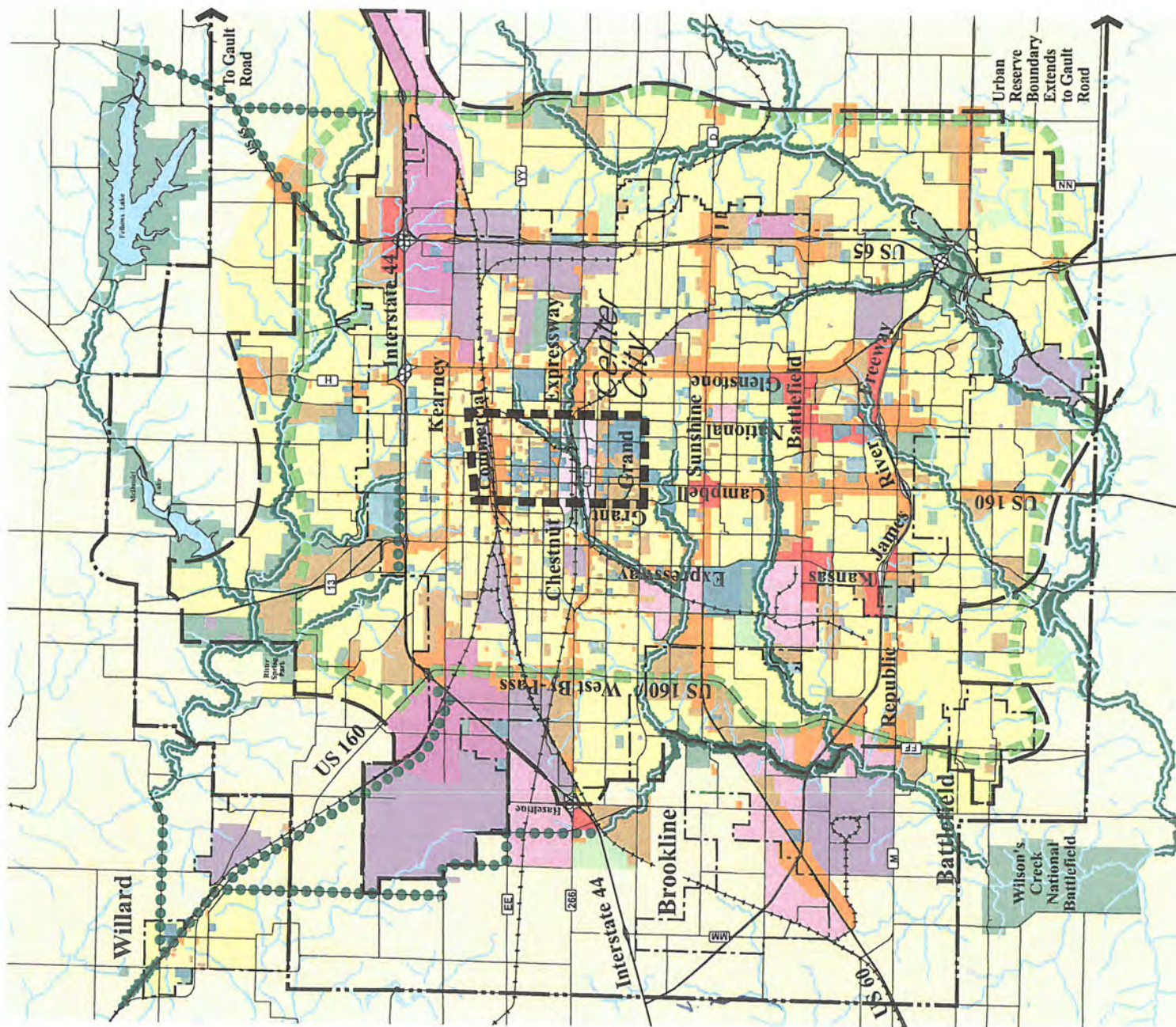
EXHIBIT

B-1

Figure 1

City Context Center City Study Area

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



0 1 2 3 Miles

May 1998



Sept. 23, 2022

Planning & Zoning Commission,

As a resident of University Heights, I am very concerned about the possible re-zoning of our Residential-Single Family neighborhood, which is the last neighborhood in the center city area that has not been changed to allow commercial properties.

If the zoning is changed to allow commercial properties on the NW corner of Sunshine & National, the traffic, which is already a lot, will either become intolerable so that new businesses, University students, hospital customers, will choose other options instead of Springfield to bring their business to, or the proposed businesses will fail because it is too much trouble to drive into and out of. The latter has already been a problem to the businesses on the NE corner of National & Sunshine. What a shame to tear down beautiful historic homes and have the city have to rework the draining issues caused by lawns being replaced with asphalt parking lots, for businesses that have a big chance of failing.

I am also concerned by the precedent set by the possible rezoning and if that will allow other commercial businesses to spread North on National Ave. and West on Sunshine street, causing an end to one of the best kept, valuable, highly sought out neighborhoods in Springfield. The safety of me and my neighbors will be greatly threatened by the increased amount of cars cutting through the neighborhood to either visit the new businesses or avoid the traffic on National & Sunshine, which is

already at it's limit. I purchased my home 31 years ago and have put everything I have into keeping it a good, comfortable, safe place for me and my family because of the R-SF zoning. It seems very unreasonable to me that our city would rezone this area so that a few investors can profit financially and cause hundreds of neighbors' investments to decline.

One last thing that is troubling to me. The investors have stated that the corner, unoccupied house was an eyesore and empty a long time. I remember a commercial real estate sign on the property instead of residential, which may have been a deterrant to a family buying the house. Also, the homes that have been bought by investors and are going to be torn down are not eye sores. But lovely examples of historic Springfield homes.

Thank you for reading and hopefully trying to understand my frustration and sadness.

Linda Adams
1145 E. Kingsbury
Spfd. Mo

From: [LINDA HOFFMANN](#)
To: Zoning@springfieldmo.gov
Subject: Houses on National
Date: Thursday, August 18, 2022 9:48:17 PM

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

Please leave those 3 houses on National alone. Surely they can be used for something useful without tearing them down. You have already taken that peaceful, elegant house down across Sunshine and now that corner is ugly.

linda h hoffmann

HUSCH BLACKWELL

Bryan O. Wade
Office Managing Partner

3810 E. Sunshine St., Suite 300
Springfield, MO 65809
Direct: 417.268.4116
Fax: 417.268.4040
bryan.wade@huschblackwell.com

October 27, 2022

via Email

Rhonda Lewsader
rlsader@springfieldmo.gov
Jill Burris
jbarris@springfieldmo.gov
Bob Hosmer
zoning@springfieldmo.gov

Re: University Heights

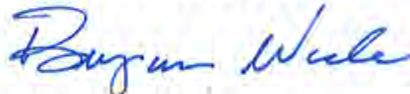
Dear Rhonda, Jill & Bob:

I have been provided an email from Courtney Fletcher and a letter from Lee Viorel concerning a potential meeting with City representatives and the University Heights Neighborhood Association. I wanted to alert you that I also have been asked to represent members of University Heights that are opposed to commercial development occurring within the platted subdivision. If there is a meeting to discuss issues related to a proposed rezoning within the subdivision, I would appreciate your courtesies in advising me and extending me an invitation so I could provide you my clients' perspective.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

HUSCH BLACKWELL LLP



Bryan O. Wade
Office Managing Partner

BOW:lz

cc: Sue Robinson – *via email*
Lee Viorel – *via email*
Courtney Fletcher – *via email*

From: [Zipf, Linda](#)
To: [Lewsader, Rhonda](#); jburris@springfieldmo.gov; Zoning@springfieldmo.gov
Cc: lvorel@lowtherjohnson.com; cfletcher@carahanevans.com; susanrobinson@missouristate.edu; [Wade, Bryan](#)
Subject: University Heights
Date: Thursday, October 27, 2022 11:23:23 AM
Attachments: [2022-10-27 Letter to Lewsader, Burris & Hosmer.pdf](#)

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

Good morning. I've attached Bryan Wade's letter regarding University Heights. Please let me know if you have any problems opening the attachment.

Linda Zipf
Practice Support Team Specialist

HUSCH BLACKWELL LLP
3810 E. Sunshine St.
Suite 300
Springfield, MO 65809
Direct: [417-268-4148](tel:417-268-4148)
Fax: [417-268-4040](tel:417-268-4040)
Linda.Zipf@huschblackwell.com
huschblackwell.com

Husch Blackwell is redefining partnership and client service. With 800+ lawyers in more than 20 offices across the United States, including [The Link](#) virtual office, we are a national law firm with a coast-to-coast footprint focused on tackling the most complex business challenges.

****PLEASE NOTE WE'VE MOVED****

Effective September 26, 2022, our new address is 3810 E. Sunshine St., Suite 300, Springfield, MO 65809.

From: [Lisa Dixon](#)
To: Zoning@springfieldmo.gov
Subject: NO REZONING OF NATIONAL/SUNSHINE CORNER
Date: Monday, September 5, 2022 8:49:00 AM

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

We are writing to protest the rezoning of Case # Z-23-2022 (homes at the corner of National and Sunshine) from residential to commercial. We live at 1118 E University which is 4 homes from National. Our biggest concerns are increased traffic in our neighborhood and loss of our property value.

We are unable to leave University to National between the hours of noon and 6 pm. The estimated traffic of 1000 cars per day would make the already second busiest intersection even worse and more dangerous. Creating an entrance off of University into the businesses would make our street a thoroughfare for a steady stream of cars. It is currently a street where all city residents enjoy jogging, walking their dogs, and riding their bikes. The city recently repaved all the sidewalks so that all city residents would be able to do these things. These would become impossible. Hampton Street is barely more than an alley. Two large cars can barely pass each other when driving in opposite directions. Hampton would become an entrance off of Sunshine for people to get to businesses. This would be a terrible idea.

Rezoning these homes doesn't follow the City's existing Comprehensive Plan or the soon-to-be ratified Forward SGF. These plans designate ALL of University Heights strictly Single Family Residential. It is classified as "Residential Neighborhood-Traditional " and should be afforded all the protections of such.

The rain that fell on 8-29-22 caused leaking in our basement. If the current homes lawns/yards are paved over for businesses the runoff from heavy rains will flow right into basements of all surrounding resident's homes.

Lastly, what will this do to my property value? University Heights currently ranks among the highest property values of any neighborhood in Springfield. We love our home. It is unique. We have wonderful neighbors who care about each other and who keep their homes beautiful. Who would want to live on a residential street that has been turned into an entrance for a dubious business?

PLEASE SAVE OUR NEIGHBORHOOD AND KEEP ALL OF UNIVERSITY HEIGHTS RESIDENTIAL-SINGLE FAMILY.

Sincerely,
Rodney and Lisa Dixon
1118 E University Street
Springfield 65807

From: [Lisa Munkatchy](#)
To: Zoning@springfieldmo.gov
Subject: Rezoning of University Heights
Date: Tuesday, October 25, 2022 3:27:15 PM

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

To whom this may concern:
Bob Hosmer
City Council & Mayor

My name is Lisa Munkatchy I have lived at 959 E Kingsbury Ave for 22 years.
I was at the meeting last night for the zoning map amendment.
That was a total circus!!
I cant not believe you approved such a venue for people to attend!! I UNDERSTAND
BOB WAS THERE SO HE KNOWS WHAT HAPPENED!!!

Why can't you say no to these developers/ Investors??

Could it be that you are being paid off - Was told by a city councilman they have BIG
BACKERS!!
The Jareds, The Fisks, Billy Long!!

Look at the money they spent last night for this meeting!! Tent, Floors, gravel,
security, sound system, big name lawyers, printing, generator!! Absolutely
Ridiculous!! They forgot bathrooms and disabled people not being able to attend,
older residents as well, Of course no parking!! WEATHER!! LIKE RAIN!!

I know some of our neighbors are suing the bank and developers!!
Because we have deeds that state that this neighborhood should be R-1 Single
Family!!
But you can change that??

Why would you change this zoning?? Money is the obvious reason!!

By putting more retail, commercial space that cannot be filled. Ugly Architecture that
sits vacant for years!! It will ruin our beautiful historic neighborhood!!
Developers say they will built it to look old and fit in?
But it will stick out like a sore thumb!!
Just like the said excuse for cheap new construction on Cherry St that the big
basketball star is so proud of!!

Oh wait that's what the city has done in the past so why would you want to do

anything different??

Richard Crabtree said it best- and he knows because he has been fighting you for years!! We might as well put a sign up in the landfill - Here lies our history of Springfield's beautiful historic homes !!

Not one thing out of the house was saved or repurposed!! Beautiful hardwood floors, Thick wood trim and doors, and much more!! You can't buy quality like that anymore!! These homes on National are our Queens if the City an gateway to our neighborhood!!

I am in Real Estate Appraising and I see blighted, dissary, homes that need to be torn down!!
These home that they own do not!!

How about the home on the corner of University and National just sold for \$650,000 !! Which shows that we can keep these home and people will live in them!!
I bet that home owner is really upset!!

These homes could be used as AIR B&B's for traveling nurses or family visiting their college students at MSU!!

But the developers have got permits to tear them all down!!
You are the only ones who can stop them!!

I hope you can sleep at night and not have a guilty concuss of being bought off or bullied by big investors!!
If you decide to grant the rezoning commercial!!

But I pray that you will see the light and vote for the little people and make the right decision to keep Springfield and University Heights a wonderful place to live with unique houses, trees. gardens full of life, kids and people walking and enjoying the streets of our neighborhood!!!!

If not our people will move out!! Because our property will go down in value!! This commercial zoning will bring in more homeless, crime and kill the beauty we once had!!

Please send this email on to all City Council Members and All Zoning Departments

Thanks,
Lisa Munkatchy

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits an application for a change in land use or zoning, the property will be posted and there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

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

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

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

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

DATE:	10/17/22	Telephone No.	(417) 887-4811
YOUR NAME:	MARK G. BOYER		
YOUR ADDRESS:	1140 E Stanford St 65807-2058		
PROJECT ADDRESS:	Northwest corner Sunshine + National		
COMMENTS:	See attached.		

To my knowledge, no traffic study has been done to assess the number of additional cars locating a business on the northwest corner of Sunshine and National would bring to the intersection. At peak times, cars are lined up on National for four blocks across the intersections of University, Stanford, Kingsbury, Portland, and often beyond. A business on the corner of Sunshine and National would turn the neighborhood street of University into a main artery. Already, many cars cut through University, Stanford, Kingsbury, and Portland to avoid the light at National and Sunshine, if they are intending to make a right turn onto Sunshine. A business on the corner of Sunshine and National would only increase the traffic on and through neighborhood streets.

A neighborhood is where people live, not where businesses are located. Businesses are located in business districts. Neighborhoods should be kept neighborhoods. Business space is available on the northeast corner of National and Sunshine, and that business strip has been open for several years already. It is very difficult to get to those businesses and very difficult to get out of those businesses, and the same bottle neck will be created if businesses are allowed to occupy the northwest corner of Sunshine and National.

Property values throughout the neighborhood will drop; no one wants to live next to or near a business; no one will want to buy a house next to or near a business; there is enough noise on National and Sunshine without adding more traffic. People, who live in University Heights Neighborhood don't want a business in their neighborhood. They have expressed this several times in the past and several times more recently. How loud do they need to shout before they are heard by the people they elected to hear and serve them? Is City Council and the Zoning Commission going to listen to them? They have been in and lived in the area long before someone wanted to build a business there. Would YOU want a business removing houses and increasing traffic and noise going into your neighborhood?

Please do not rezone the northwest corner of Sunshine and National for business purposes. Please do not grant any more requests to have homes demolished in that area. Please keep the neighborhood intact.

Mark G. Boyer

1140 E. Stanford St.
Springfield, MO 65807-2058

(417) 887-4811

boyer50@mediacombb.net

October 26, 2022

Mr. Bob Hosmer
Planning and Zoning Commission
840 N Boonville Ave.
Springfield, MO 65802

Dear Mr. Hosemer and All Members of the Planning and Zoning Commission and City Council:

I wish to comment on the BK& M proposal to change the zoning on the northwest corner of Sunshine and National (specifically 1141, 1133, 1119, and 111 Sunshine; 1138 University St.; and 1755, 1745, and 1739 National Ave.) in the University Heights Neighborhood.

To my knowledge, no traffic study has been done to assess the number of additional cars locating a business on the northwest corner of Sunshine and National would bring to the intersection. At peak times, cars are line up on National for four blocks across the intersections of University, Stanford, Kingsbury, Portland, and often beyond. A business on the corner of Sunshine and National would turn the neighborhood street of University into a main artery. Already, many cars cut through University, Stanford, Kingsbury, and Portland to avoid the light at National and Sunshine, if they are intending to make a right turn onto Sunshine. And those who do that speed through the neighborhood streets with no police around to give tickets! A business on the corner of Sunshine and National would only increase the traffic on and through neighborhood streets.

A neighborhood is where people live, not where businesses are located. Businesses are located in business districts. Neighborhoods should be kept neighborhoods. Business space is available on the northeast corner of National and Sunshine, and that business trip has been open for several years already. It is very difficult to get to those businesses and very difficult to get out of those businesses, and the same bottle neck will be created if businesses are allowed to occupy the northwest corner of Sunshine and National.

University Heights Neighborhood contains some of the oldest houses in Springfield. I live in one built in 1918 before the neighborhood was founded in 1925. While in principle I am not opposed to the development of businesses, I am opposed to the destruction of old neighborhoods. Once it begins, there is no end to how much will be lost block by block. Part of a city's grandeur is appreciating an preserving its heritage in old buildings. There is an integrity to an old building

that needs to be preserved. In University Heights there are no cookie cutter house; every home is different and needs to be preserved.

Property values throughout the neighborhood will drop if businesses begin to be added; no one wants to live next to or near a business; no one will want to buy a house next to or near a business; there is enough noise on National and Sunshine without adding more traffic. People who live in University Heights Neighborhood do not want a business in their neighborhood. They have expressed this several times in the past and several times more recently. How loud do they need to shout before they are heard by the people they elected to hear and serve them? Is the Planning and Zoning Commission and City Council going to listen to them? They have lived in the neighborhood long before someone wanted to build a business there. Would YOU want a business removing houses and increasing traffic and noise going into your neighborhood?

Please do not rezone the northwest corner of Sunshine and National for business purposes. Please do not grant any more requests to have homes demolished in the University Heights Neighborhood. Please keep the neighborhood intact.

Sincerely,



Mark G. Boyer

This Indenture, Made on the 14th day of July, A.D. One Thousand Nine Hundred and Twenty seven by and between Elaine Mosley, a single and unmarried woman of Springfield, Greene County, Missouri part 1 of the first part, and J. F. Mosley

of the County of Greene to the State of Missouri part 2 of the second part, DITHEIRTY, That the said part 2 of the first part, in consideration of the sum of Two thousand & 00/100 DOLLARS

to her paid by the said party of the second part, the receipt of which is hereby acknowledged, do she by these presents Grant, Bargain, and Sell, Convey and Confirm unto the said part 2 of the second part, his heirs and assigns, the following described lots, tracts or parcels of land lying, being and situate in the County of Greene and State of Missouri, to-wit: All of lot twelve (12) in University Heights Addition to the city of

Springfield, Missouri. Nothing to be erected thereon except a private dwelling, to not be less than twenty five feet from the front property line, and to cost not less than \$2000.00

TO HAVE AND TO HOLD The premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto in anywise or in anywise appertaining, unto the said part 2 of the second part, and unto his heirs and assigns, forever; the said J. F. Mosley

hereby warranting that she is lawfully seized of an indefeasible estate in fee in the premises herein conveyed, that she has a good right to convey the same; that the said premises are free and clear of any incumbrances done or suffered by her or those to her whom she claims her, and that she will warrant and defend the title to the said premises unto the said part 2 of the second part, and unto his heirs and assigns, forever, against the lawful claims and demands of all persons whomsoever.

Except all taxes for the year 1927 and thereafter

IN WITNESS WHEREOF, The said part 2 of the first part has her hand and seal, and seal of the day and year first above written.

Signed, Sealed and Delivered in Presence of us:

Elaine Mosley (X)

(X)

(X)

(X)

STATE OF MISSOURI,

County of Greene of 1927 day of July, before me personally appeared

Elaine Mosley his wife, to the above to be the person

described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at my office in

the day and year first above written.

My term of office as a Notary Public will expire 1928

STATE OF MISSOURI,

County of Greene of 1927 day of July, A.D. at 27, before me personally appeared

Elaine Mosley, a single and unmarried woman

to the above to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed, and the said Elaine Mosley further declared in fact

to be single and unmarried.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at my office in Springfield, Missouri

the day and year first above written.

My term of office as a Notary Public will expire 1928 20 Jim C. Gaylar, Notary Public

This foregoing deed was filed for record in this office on the 20th day of April A.D. 1927 at 10 o'clock A.M.

By Sam H. Colebrook Notary Public Jack B. McKee

From: [Mark Fletcher](#)
To: [Neal, Daniel](#); [Gage, Jason](#)
Subject: University Heights
Date: Monday, October 3, 2022 11:46:11 AM
Attachments: [552-170 \(1\).pdf](#)

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

Mr. Neal:

In our letter of last week, my wife and I indicated we would provide you with the additional original deeds for the lots involved in the BK&M, LLC rezoning application. Attached please find the original deed for Lot 12. This deed provides, "Nothing to be erected thereon except a private dwelling..." and has setback requirements incompatible with the placement of a commercial building. I would appreciate your adding this deed to the Commission's file in this matter. Thank you.

Mark Fletcher

WARRANTY DEED—With Statutory Acknowledgment

THIS INSTRUMENT MADE ON THE 28th day of July A. D. 1917
One Thousand Nine Hundred and Twenty-Five by and between Elaine Mackay, a single woman of the County of Greene, State of Missouri
 of the first part, and Flora Roberts of the second part,
 of the County of Greene, in the State of Missouri, part of the first part, in consideration of the sum of fifteen hundred & 00/100 Dollars in her hand paid for the said part of the second part,
 the receipt of which is hereby acknowledged by her by these presents grant, bargain, and sell, convey and confirm unto the said part of the second part his heirs and assigns the following described lot, tracts or parcels of land, lying, being and situate in the County of Greene, and State of Missouri, to-wit: All of lot fourteen (14), in University Heights, an addition to the City of Springfield, Missouri.
 Nothing to be erected thereon excepting a private residence of brick, stone or stucco construction, to cost not less than \$3000.00 and to set back not less than 30 feet from the front property line. The purchaser hereby agrees that he will not erect a garage on this lot as a place of abode even temporary.

I, H. S. Stamp \$1.50 cancelled
 TO HAVE AND TO HOLD the premises above said with all and singular the rights, privileges, appurtenances and immunities thereunto belonging or in anywise appertaining unto the said part of the second part and unto his heirs and assigns forever, the said First party hereby covenanting that she is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that she has a good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by her or those under whom she claims and that she will warrant and defend the title to the said premises unto the said part of the second part, and unto his heirs and assigns forever, against the lawful claims and demands of all persons whomsoever except taxes for the year 1916 and thereafter.
 IN WITNESS WHEREOF, the said part of the first part has hereunto set her hand and seal the day and year first above written.
 Signed, Sealed and Delivered in the presence of

Elaine Mackay (SEAL)
 (SEAL)
 (SEAL)
 (SEAL)

STATE OF MISSOURI, }
 County of Greene, }

On this 28th day of July A. D. 19 17, before me personally appeared Elaine Mackay, a single woman and Flora Roberts, his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.
 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Springfield, Mo. the day and year first above written.
 My term of office as Notary Public will expire July 18th 192 7
Notary Public.

STATE OF MISSOURI, }
 County of Greene, }

On this 28th day of July A. D. 19 17, before me personally appeared Elaine Mackay, a single woman and Flora Roberts, his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed. And the said Elaine Mackay further declared herself to be single and unmarried.
 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Springfield, Mo. the day and year first above written.
 My term of office as Notary Public will expire July 18th 192 7
Notary Public.

Filed for Record on the 30 day of July A. D. 19 17, at 3 o'clock 20 minutes P.M.
Arthur S. Flock - Recorder.
 Deputy.

4
8
7

From: [Mark Fletcher](#)
To: [Neal, Daniel](#); [Gage, Jason](#); cfletcher@carnahanevans.com
Subject: University Heights - Lot 14
Date: Monday, October 3, 2022 2:34:59 PM
Attachments: [487-335.pdf](#)

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

Mr Neal

Attached is the original deed for Lot 14 which contains building & setback restrictions. Please add this to my submittal. Thank you.

Mark Fletcher

From: [Mark Fletcher](#)
To: [Neal, Daniel](#)
Subject: University Heights
Date: Monday, October 3, 2022 8:05:49 PM

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

Mr Neal

Attached please find a copy of the Schedule B Exceptions on the title commitment for BK&M, LLC's purchase of lot 10. Exception #10 discloses the deed restrictions which will be at issue in the Commission hearing and is proof that the developer had actual knowledge of the restrictions prior to the purchase date. Please add this to my submission.

Mark Fletcher

SCHEDULE B, PART II

(Exceptions)

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I Requirements are met.
2. The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid for the year 2022 and all subsequent years.

Tax ID# 88-13-25-424-001 VL: \$54,820 TX: \$2,993.61
3. Rights or claims of parties in possession not shown by the public records.
4. Easements or claims of easements, not shown by the public record.
5. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate survey and complete land survey of the land.
6. Any lien or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public record.
7. Taxes, or special assessments, if any, not shown as existing liens by the Public Records.
8. All Rights-of-Way, Easements, Setback Lines, and Informational Notes which are shown on the recorded plat for University Heights, an Addition, in Plat Book J, at Page 49, Recorder's Office, GREENE County, Missouri.
9. Right-of-Way Deed, granted to Springfield City Water Co. and Springfield Gas & Electric Co., as set out in Book 469, at Page 66, Recorder's Office, GREENE County, Missouri.
10. Terms and Provisions of Restriction on Warranty Deed as contained in Book 487, at Page 367 and Warranty Deed in Book 668, at Page 177 and Building Restriction on Warranty Deed in Book 817, at Page 45, and in on Warranty Deed in Book 848, at Page 238, and any subsequent deeds, Recorder's Office, GREENE County, Missouri. (Lot 10 University Heights)
11. Home Owners Association dues.
12. The lien of all taxes for the year 2022 and thereafter. None now due and payable.
13. All inquiries should be directed to Holly Foss at 1605 E. Sunshine - Springfield, Mo. 65804. Phone 417-882-0909 Fax 417-823-2620.

Hogan Land Title Company
1605 E. Sunshine
Springfield, MO. 65804
Tel 417 882-3000
www.hogantitle.com

(2202314.PFD/2202314/45)

MARK AND COURTNEY FLETCHER
1011 E. University
Springfield, Mo 65807

VIA U.S. MAIL AND EMAIL: bfisher@nnlaw.com

Mr. Bryan Fisher
Neale & Newman
2144 E. Republic Road, Unit F-302
Springfield, MO 65804

RE: BK&M, LLC's Proposed Rezoning of Lots 10, 11, 12, 13 and 14 in University Heights

Mr. Fisher,

We have resided at 1011 East University Street for over twenty-two years and are the owners of the east ½ of Lot 63 in University Heights. Our subdivision was designed as a single-family residential neighborhood. Restrictions were placed in the public record to create and preserve our neighborhood as an exclusively residential community. The original deed for our lot contains restrictions which prevent the construction of anything other than a private residence which must be setback a substantial distance from the front property line. In fact, similar restrictions permitting only the construction of private residences and requiring generous setbacks from the front property line are contained in each original deed for every lot in University Heights. The Plat Index Book which is at the Greene County Recorder's Office gives additional notice of these restrictions. In the remarks section of the index for University Heights, the index states, "Restrictions on first deeds. See Individual lots." Finally, there is substantial evidence of the existence and intent of these restrictions to run in perpetuity outside of the above-mentioned documents filed for record with the Recorder of Deeds. For your review, we are attaching copies of four advertisements placed by the developer, State Savings Trust Co., for original lots in University Heights. These advertisements appeared in the Springfield News Leader in 1925 and the Springfield Republican in 1927. Each advertisement provides information about the above-mentioned restrictions and markets them as important and **permanent** features of University Heights.

In March of this year, your client, BK&M, LLC (hereinafter "Company") purchased Lots 10-14 in University Heights. Each of the original deeds for these lots provides either, "Nothing to be erected thereon excepting a private residence of brick, stone or stucco construction..." or "Nothing to be erected thereon except a private dwelling." Additionally, each original deed to these lots also contains a setback requirement which makes the potential placement of a commercial building incompatible with current City guidance and requirements. Copies of these deeds are attached hereto for your review. The Company was fully aware of the deed restrictions on Lots 10-14 prior to purchasing the lots. During the Company's pre-development meeting with

the City of Springfield, city staff mentioned possible deed restrictions which prohibit commercial zoning of the property. The City's Pre-Development Report recommended that the Company "look into this further on your end as part of the purchasing process..." Importantly, we have confirmed that the Commitment for Title Insurance issued to your client for one or more of the subject lots lists the above-mentioned restrictions in Schedule B, Part II, Exceptions. Attached are the exceptions for the Company's purchase of Lot 10. The restrictions at issue are listed in numbered paragraph 10. Despite having actual knowledge of the deed restrictions and no factual or legal basis to believe that they are not fully enforceable, the Company filed an application with the City of Springfield to rezone lots 10-14 from single-family residential to commercial use (hereinafter the "Application"). Additionally, the Company has issued various statements and taken certain actions all to the effect that it intends to construct commercial buildings upon some or all of the subject lots.

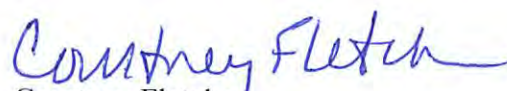
We have a contractual right and expectancy to enjoy the benefit of the protections in the public record which preserve University Heights as an exclusively single-family residential subdivision. We have the legal right and standing to enforce the restrictions and to obtain judicial relief for violations of them. Your client's actions, including but not limited to, filing the Application, constitute tortious interference with our indisputable contractual right and expectancy to the benefit of the deed restrictions. We can readily and easily prove each element of this claim. As set forth above, the Company had actual knowledge of our contractual rights. It is axiomatic that the filing of the Application and the threat to construct commercial buildings on Lots 10-14 is intentional interference with our contractual rights. Lastly, there is no justification for the Company's actions. The deed restrictions are clear from the four corners of the original deeds. There can be no claim that they have been waived or abandoned. Nothing but private residences have been constructed in University Heights in the almost 100 years of its existence.

By this letter, we demand that the Application be dismissed no later than Friday, October 14, 2022, and that a settlement agreement which ensures that the Company will permanently cease any and all efforts to violate our contractual rights be executed. If these conditions are not met, we will file an action for tortious interference in Greene County Circuit Court and seek the recovery of actual and punitive damages for your client's flagrant violations of our rights. Additionally, we will bring the appropriate ancillary causes of actions necessary to obtain an injunction from the court preventing the Company from taking further actions to commercially develop lots 10-14 and mandating the dismissal of the Application.

Sincerely,



Mark Fletcher


Courtney Fletcher

Now Ready for Springfield People Who Desire Ideal Restricted Homesites Convenient to City and Schools

UNIVERSITY HEIGHTS

Drive out---stop and look
back and enjoy a wonder-
ful panorama of our fair
city---a view that will de-
light you.

The Most Beautiful Tract Available--Southeast

Adjoining the most beautiful city ---Springfield.

Adjacent to the most wonderful college---Southwest Missouri State Teachers College.
Located between Phelps Grove Park on the North, Sunshine road on the south, National
Boulevard on the east, Kimbrough road on the west.

This addition is Absolutely Restricted, providing all essential safeguards as to build-
ings and other restrictions necessary for protected, high class residence building sites.

Right in the Path of Growing Springfield

City water, electric lights,
surrounded by well made
hard surfaced roads---one
of the highest spots in
Greene County.

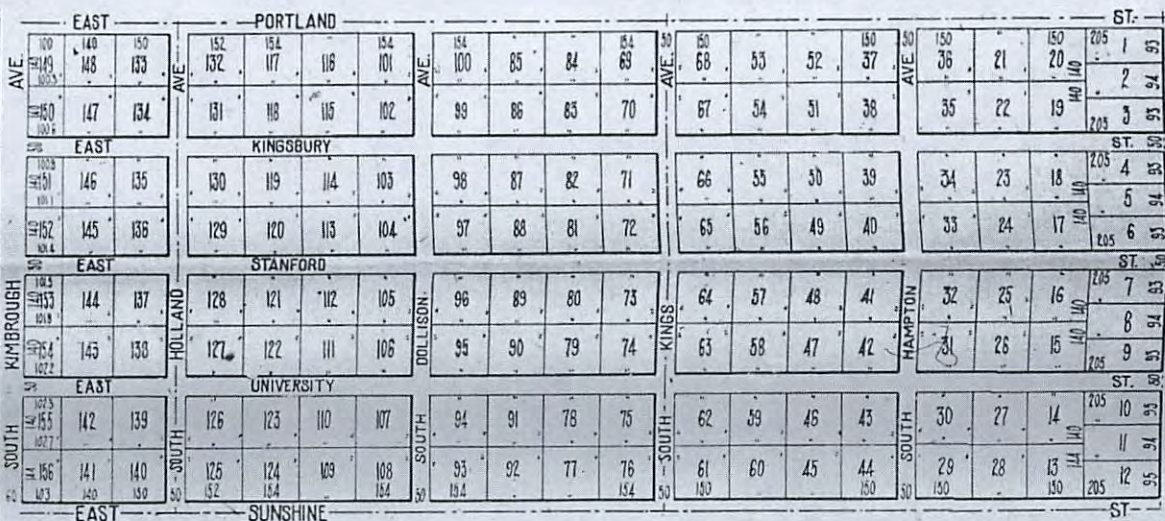
Want a
Suburban
Home?

Select One of
These Tracts

Eighteen 1/2-acre tracts
facing south on Sun-
shine Drive. This beau-
tiful drive is to be
widened to a 60-foot
roadway and hard sur-
faced immediately. This
road is the South Boule-
vard that the city of
Springfield contemplates
in its system of bound-
ary drives around the
city.

LOTS ARE APPROX-
IMATELY 150x150.

Building Restrictions ---
Houses in this section to
cost not less than \$1,000.
Other lots restricted
to \$2,500 to \$1,000.



Lots
Fronting
National
Boulevard

12 lots each 81x255 ft.
Buildings on these lots
are restricted to brick,
stone or stone resi-
dences to cost not less
than \$1,000 and to set
back on a building line
12 feet from the Boule-
vard.

SELECT YOUR LOT
AT ONCE

With all city conven-
iences and the wonder-
ful roadway just com-
pleted and maintained
by the Federal Govern-
ment this fronting on
this thoroughfare offers
marvelous opportunity
for either investment or
homes. These will go at
once, so make your
choice immediately.

The State Teachers College and University Heights

We fully believe that the State Teachers College, owing to its phenomenal growth and its wonderful management is destined to become eventually an important cog in the State University System. In anticipation of such an event we have given this beautiful tract the name of UNIVERSITY HEIGHTS. You can readily see the demand for lots in this addition and the price advance that will be commanded. We have therefore platted this tract giving three lots in one, so that later on purchasers should be able to sell a part of their holdings for what the entire tract cost them.

To See Is to Believe and Want to Buy

We could talk about this beautiful tract incessantly and still not tell you all about its beauty, its desirability, accessibility and future, so we suggest you drive out and see for yourself.

Salesmen will be on the ground every day to show you the various lots and locations if you care to drive out at your own convenience.
Our salesmen are available at all times with motor cars to drive you out if you will phone 2357 or 2358.

PRICES--We want you to see these lots before quoting prices, for we know your idea of values will coincide with ours.

TERMS--Of course we'll sell on convenient terms if desired.

University Heights Company

STATE SAVINGS TRUST COMPANY

State
Agents

Phones: Business 2357-2358. After 5 p. m. 4631-W, 4631-J, 4061-W

155 North Side Square

UNIVERSITY HEIGHTS

Springfield's Most Popular Addition
Established Bus Service--Main Loop

PAVED STREETS

We are now paving Stanford Street which runs through the center of University Heights. The contract has been let for the paving of Kimbrough from Sunshine to Catalpa, which upon the completion of the Benton Avenue Viaduct will give a paved thoroughfare from Sunshine to Commercial. Sunshine Street in our South has been unofficially dedicated as Highway No. 16—completing a boulevard completely round the city.

City Water and Electric Lights to Every Lot

Fire Protection

We have just recently installed an eight-inch water main through this beautiful addition with ample plugs to assure the best of fire protection and the minimum fire insurance rates on every house in University Heights.

Building Restrictions

A purchase of a lot in this addition assures you also of high class restrictions; no garages or frame houses are permitted.

As you drive by stop and see what is being done to make this addition the most popular and ideal residential district in the city.

EXTRA LARGE LOTS

Three Fifty-Foot Lots in One -- Price \$10 a Foot

\$50 Down—\$10 Per Month

COMPARE

Compare our prices, improvements, restrictions and locations with any other in the city. We will be glad to show you why you should build in University Heights.

REMEMBER

Over half the lots in this addition have been sold. It is an established addition and a beautiful, permanent and desirable place for home sites.

Salesmen on the Grounds in the Evenings

DRIVE OUT TODAY

State Savings Trust Co.

PHONES 2357 - 2538



Everything Points to UNIVERSITY HEIGHTS

As the Safest Spot for your home if you have future development in mind. You build your home not for days, but for years. You protect the investment with the assurance of permanency of good location.

That is what we offer you, that is what is safe guarded in UNIVERSITY HEIGHTS by our building restrictions and our exacting standards of qualifications to become a Home-Owner in this community. A beautiful spot along the trail of future residential development. Reasonable prices. Easy terms. Two beautiful bungalows are now being built in this addition.

STATE SAVINGS TRUST CO.

155 N. S. Square

Sales Agents

Phones 2357-2358

THIS INDENTURE MADE ON THE 18th day of June A. D. 1925
 between One Thomas Nier Houder and twenty-five
 of the County of Greene, State of Missouri, and Elsie Mackey, a single
 of the first part, and J. Warren Sanders of the second part
 of the County of Greene, in the State of Missouri, part
 WITNESSETH That the said part of the first part, in consideration of the sum of one dollar & other
 valuable considerations Dollars to her part by the said part of the second part
 the record of which is hereby acknowledged, do as by these presents grant, bargain, and sell, convey and confirm unto
 the said part of the second part his heirs and assigns the following described lot, tracts or
 parcels of land, lying, being and situate in the County of Greene, State of Missouri, to-wit: All of Lot Number Ten
 (20) in University Heights, an addition to the City of Springfield, Greene County, Missouri,
 siting to be erected thereon excepting a private residence of brick, stone or shingle construction
 to cost not less than \$6000.00 and to set back not less than 15 feet from the front property
 line. The purchaser hereby agrees that he will not erect a garage on this property as a
 place of abode, even temporary.
 The west 10 feet of the above described lot is hereby reserved and right-of-way is hereby
 given to cross said lot for the electric lights, city water, gas, sewer, etc.

J. J. Stamps Not cancelled.

TO HAVE AND TO HOLD the premises above described with all and singular the rights and appurtenances thereto
 in anywise appertaining unto the said part of the second part and unto his heirs
 and assigns forever, the said first part hereby contracting that she is
 lawfully seized of an undivided estate in fee in the premises herein conveyed, that she has a good right to convey the same;
 that the said premises are free of all taxes and demands which are or may be lawfully levied or assessed by her
 or those under whom she claims; and that she will warrant and defend the title to the said premises
 unto the said part of the second part, and unto his heirs and assigns forever, against the lawful
 claims and demands of all persons whomsoever except taxes for the year 1925 and thereafter.
 IN WITNESS WHEREOF, the said part of the first part has hereunto set her hand and seal
 the day and year first above written.
 Elsie Mackey (SEAL)
 (SEAL)
 (SEAL)
 (SEAL)

STATE OF MISSOURI
 County of Greene
 On this 18th day of June A. D. 1925, before me personally appeared
 and he being known to me to be the person described in and who executed the foregoing instrument, and acknowledged that
 he executed the same as his free act and deed.
 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in
 the day and year first above written.
 My term of office as Notary Public will expire 1925
 Notary Public.

STATE OF MISSOURI
 County of Greene
 On this 18th day of June A. D. 1925, before me personally appeared Elsie Mackey, a
 single woman, to me known to be the person described in and who executed the foregoing instrument, and acknowledged
 that she executed the same as her free act and deed. And the said Elsie Mackey
 further declared herself to be single and unmarried.
 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in
 Springfield, Mo.
 My term of office as Notary Public will expire July 13th 1925
 A. E. Van Buren Notary Public.

Filed for Record on the 3 day of June A. D. 1925, at 3 o'clock 00 minutes P.M.
 by Public L. W. W. Deputy. Arthur W. W. Recorder.

WARRANT
To the Sheriff of the County of Greene, Missouri:
You are hereby commanded to arrest the within named persons and bring them before the Court of the County of Greene, Missouri, to answer to the within complaint.

THIS INDENTURE made on the 6th day of May A.D. One Thousand Nine Hundred and Twenty-
by and between Elsie Mackey, a single and unmarried woman

of Springfield, Missouri, James F. Sawyer, husband and wife

of the County of Greene, in the State of Missouri, part 1st of the first part

WITNESSETH that the said part 1st of the first part

has paid by the said part 1st of the first part

nothing to be credited thereon excepting a private residence of brick, stone or stone concrete

to cost not less than \$8000.00 and is not back more than 75-cents. From the front property line

subject to a right-of-way covering the West 10-ft. of this lot, for water mains, electrically,

average, etc.

TO HAVE AND TO HOLD the premises hereunto with all and singular the rights and appurtenances thereto in anywise appertaining, unto the said part 1st of the first part and heirs and assigns forever, to be

having covenanted that she is

has paid by the said part 1st of the first part

excepting taxes due and payable in the year 1926 and thereunto

IN WITNESS WHEREOF, the said part 1st of the first part has hereunto set her hand and seal

first above written

Signed, sealed and delivered in the presence of us

Elsie Mackey

STATE OF MISSOURI, County of Greene, ss.

On this 19th day of May A.D. 1926, before me personally appeared

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in

My term of office as Notary Public will expire

STATE OF MISSOURI, County of Greene, ss.

On this 6th day of May A.D. 1926, before me personally appeared

Elsie Mackey, a single and unmarried woman

has paid by the said part 1st of the first part

excepting taxes due and payable in the year 1926 and thereunto

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri

My term of office as Notary Public will expire

By J. A. Nicholson

Filed for record on the 23 day of June 1926

INSTRUMENT Warranty Deed
BOOK 520 PAGE 80 CONSIDERATION
DATED Jun 10 1927 NO. 90 FILED Jun 11 1927.
Eloise Mackey, a single woman.

TO
Albert G. Eckert &
Mary Eckert.

Granting Clause Grant Bargain and sell
convey and confirm.

Conveys following land in Greene County, Mo., viz:
All of Lots 13, 59, 102, 114 and 119
in UNIVERSITY HEIGHTS ADDITION to the
City of Springfield, Missouri.
Nothing to be erected on Lot # 13,
except a private residence of brick,
stone or stucco construction to cost
not less than \$5000., and on lots
59, 102, 114 and 119, except a private
residence of brick, stone or stucco
construction to cost not less than
\$3000. to set back not less than 30
feet from the front property line,
Parties of the second part hereby
agree that they will not erect a
garagette on any of these lots as a
place of abode, even temporary.

THIS INSTRUMENT MADE ON THE 28th day of July A. D. 1925
 One Thousand Nine Hundred and Twenty-Five
 between Elsie Mackay, a single woman of the County of Greene, State of Missouri,
 of the first part, and Floyd Roberts of the second part
 of the County of Greene, in the State of Missouri, part of the first part, in consideration of the sum of
 FIFTEEN HUNDRED & 00/100 Dollars to her paid by the said part of the second part,
 the receipt of which is hereby acknowledged, she by these presents gives, bargains, and sells, convey and confirms unto
 the said part of the second part his heirs and assigns the following described lot, tracts or
 parcels of land, lying, being and situate in the County of Greene, and State of Missouri, to-wit: All
 of Lot Fourteen (14), in University Heights, an addition to the City of Springfield, Missouri.
 Nothing to be erected thereon excepting a private residence of brick, stone or stucco
 construction, to cost not less than \$3000.00 and to set back not less than 30 feet from the
 front property line. The purchaser hereby agrees that he will not erect a garage on this
 lot as a place of abode even temporary.

1. A. Stamp \$1.50 cancelled
 TO HAVE AND TO HOLD the premises above said with all and singular the rights, privileges, appurtenances and immunities there-
 to belonging or in anywise appertaining unto the said part of the second part and unto his heirs
 and assigns forever, the said First party hereby covenanting that she is lawfully seised of an indefeasible estate in fee in the premises herein conveyed; that she has a good right to convey the same;
 that the said premises are free and clear of any encumbrances done or suffered by her
 or those under whom she claims and that she will warrant and defend the title to the said premises
 unto the said part of the second part, and unto his heirs and assigns forever, against the lawful
 claims and demands of all persons whomsoever except taxes for the year 1925 and thereafter.
 IN WITNESS WHEREOF, the said part of the first part has hereunto set her hand and seal - and sub-
 scribed the day and year first above written.
 Signed, Sealed and Delivered in the presence of

Elsie Mackay (SEAL)
 (SEAL)
 (SEAL)
 (SEAL)

STATE OF MISSOURI,

County of Greene,

On this 28th day of July A. D. 1925, before me personally appeared

and his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the day and year first above written.

My term of office as Notary Public will expire

192

My Comm.

STATE OF MISSOURI,

County of Greene,

On this 28th day of July A. D. 1925, before me personally appeared Elsie Mackay, a single woman

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed. And the said Elsie Mackay further declared herself to be single and unmarried.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Mo.

My term of office as Notary Public will expire

July 1926

122

A. H. Van Matre Notary Public.

Filed for Record on the 30 day of July A. D. 1925, at 3 o'clock 20 minutes P.M.
 By Deputy. Arthur S. Fitch - Recorder.

SCHEDULE B, PART II
(Exceptions)

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I Requirements are met.
2. The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid for the year 2022 and all subsequent years.

Tax ID# 88-13-25-424-001 VL: \$54,820 TX: \$2,993.61
3. Rights or claims of parties in possession not shown by the public records.
4. Easements or claims of easements, not shown by the public record.
5. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate survey and complete land survey of the land.
6. Any lien or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public record.
7. Taxes, or special assessments, if any, not shown as existing liens by the Public Records.
8. All Rights-of-Way, Easements, Setback Lines, and Informational Notes which are shown on the recorded plat for University Heights, an Addition, in Plat Book J, at Page 49, Recorder's Office, GREENE County, Missouri.
9. Right-of-Way Deed, granted to Springfield City Water Co. and Springfield Gas & Electric Co., as set out in Book 469, at Page 66, Recorder's Office, GREENE County, Missouri.
10. Terms and Provisions of Restriction on Warranty Deed as contained in Book 487, at Page 367 and Warranty Deed in Book 668, at Page 177 and Building Restriction on Warranty Deed in Book 817, at Page 45, and in on Warranty Deed in Book 848, at Page 238, and any subsequent deeds, Recorder's Office, GREENE County, Missouri. (Lot 10 University Heights)
11. Home Owners Association dues.
12. The lien of all taxes for the year 2022 and thereafter. None now due and payable.
13. All inquiries should be directed to Holly Foss at 1605 E. Sunshine - Springfield, Mo. 65804. Phone 417-882-0909 Fax 417-823-2620.

Hogan Land Title Company
1605 E.Sunshine
Springfield, MO. 65804
Tel 417 882-3000
www.hogantitle.com

(2202314.PFD/2202314/45)

From: [Mark Fletcher](#)
To: [Neal, Daniel](#); [Gage, Jason](#)
Subject: University Heights
Date: Tuesday, October 4, 2022 1:15:21 PM
Attachments: [Brian Fisher.pdf](#)

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

Mr Neal

Please add the attached demand letter which has been sent to the applicant's attorney to my submission in this matter. Thank you.

Mark Fletcher

MARK AND COURTNEY FLETCHER
1011 E. University
Springfield, Mo 65807

VIA U.S. MAIL AND EMAIL mmcnew@gbank.com

Mr. Monte McNew, Chief Executive Officer
Guaranty Bank
2006 S. Glenstone Avenue
Springfield, Mo 65804

RE: Loans to BK&M, LLC secured by lots in University Heights

Mr. McNew:

We have resided at 1011 East University Street for over twenty-two years and are the owners of the east ½ of Lot 63 in University Heights. University Heights was designed as a single-family residential neighborhood. Restrictions were placed in the public record to create and preserve our neighborhood as an exclusively residential community. The original deed for our lot contains restrictions which prevent the construction of anything other than a private residence which must be setback a substantial distance from the front property line. In fact, similar restrictions permitting only the construction of private residences and requiring generous setbacks from the front property line are contained in each original deed for every lot in University Heights. The Plat Index Book which is at the Greene County Recorder's Office gives additional notice of these restrictions. In the remarks section of the index for University Heights the index states, "Restrictions on first deeds. See Individual lots." Finally, there is substantial evidence of the existence and intent of these restrictions outside of the above-mentioned documents filed for record with the Recorder of Deeds. For your review, we are attaching copies of four advertisements placed by the developer, State Savings Trust Co., for original lots in University Heights. These advertisements appeared in the Springfield News Leader in 1925 and the Springfield Republican in 1927. Each advertisement provides information about the above-mentioned restrictions and markets them as important and **permanent** features of University Heights.

In March of this year, BK&M, LLC (hereinafter "Your Borrower") purchased Lots 10-13 in University Heights. In September, Your Borrower purchased Lot 14. Springfield First Community Bank ("SFC Bank") provided Your Borrower with more than \$1.3 million for the purchase of Lots 10-14. SFC Bank subsequently merged operations with Guaranty Bank upon their purchase by QCR Holdings, Inc., a multi-bank holding company headquartered in Illinois (hereinafter "Guaranty Bank"). Each of the original deeds for these lots provides either, "Nothing to be erected thereon excepting a private residence of brick, stone or stucco construction..." or "Nothing to be erected thereon except a private dwelling." Additionally, each original deed to these lots contains a setback requirement which makes the potential placement of a commercial

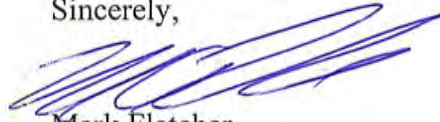
building incompatible with current City guidance and requirements. Guaranty Bank was fully aware of the deed restrictions on Lots 10-14 prior to financing their purchase and taking a security interest in the lots via two separate deeds of trust. During Your Borrower's pre-development meeting with the City of Springfield, city staff mentioned possible deed restrictions which prohibit commercial zoning of the property. The City's Pre-Development Report recommends Your Borrower "look[ing] into this further on your end as part of the purchasing process..." Importantly, we have confirmed that the Commitment for Title Insurance for one or more of the subject lots lists the above-mentioned restrictions in Schedule B, Part II, Exceptions. Attached are the exceptions for Your Borrower's purchase of Lot 10. The very restrictions at issue are listed in numbered paragraph 10. These title insurance commitments would have listed Guaranty Bank as the Proposed Insured or Additional Insured. Further, there can be no dispute that Guaranty Bank reviewed these commitments to ensure the priority of its Deeds of Trust before issuing more than \$1.3 million dollars in loans.

Despite having actual knowledge of the deed restrictions and no factual or legal basis to believe that they are not fully enforceable, Guaranty Bank financed the purchase of Lots 10-13 knowing full well that Your Borrower intended to file an application with the City of Springfield to rezone the lots from single-family residential to commercial use (hereinafter the "Application"). Additionally, Guaranty Bank financed the purchase of Lot 14 after Your Borrower filed the application, issued various statements and took certain actions all to the effect that it intended to construct commercial buildings upon some or all of the subject lots.

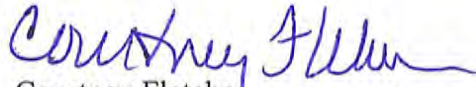
We have a contractual right and expectancy to enjoy the benefit of the protections in the public record which preserve University Heights as an exclusively single-family residential subdivision. We have the legal right and standing to enforce the restrictions and obtain judicial relief for violations of them. Guaranty Bank's actions, including but not limited to, financing the purchase of Lots 10-14, constitute tortious interference with our indisputable contractual right and expectancy to the benefit of the deed restrictions. We can readily and easily prove each element of this claim. As set forth above, Guaranty Bank had actual knowledge of our contractual rights. It is axiomatic that loaning of monies to an entity which Guaranty Bank knew was going to file the Application and attempt to construct commercial buildings on Lots 10-14 is intentional interference with our contractual rights. Lastly, there is no justification for Guaranty Bank's actions. The deed restrictions are clear from the four corners of the original deeds. There can be no claim that they have been waived or abandoned. Nothing but a private residence has been constructed in University Heights in the almost 100 years of its existence.

By this letter, we offer to settle our claims against Guaranty Bank for payment of the sum of \$250,000.00 and the entry of a settlement agreement which ensures that Guaranty Bank will permanently cease any and all efforts to violate our contractual rights. We will hold the settlement monies in trust to fund preservation efforts in University Heights. The primary use of these funds will be to help rebuild the iconic white house at 1755 S. National Avenue which was destroyed yesterday. We will stop the unlawful effort to build commercial properties in University Heights and we will build back the destruction which Guaranty Bank has financed. The house which symbolized our historic neighborhood will once again grace the corner of Sunshine and National. If these conditions are not met by Friday, October 14, 2022, we will file an action for tortious interference, and other appropriate causes of action, in Greene County Circuit Court and seek the recovery of actual and punitive damages for your flagrant violations of our rights.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Fletcher', with a stylized, overlapping flourish.

Mark Fletcher

A handwritten signature in blue ink, appearing to read 'Courtney Fletcher', with a stylized, flowing script.

Courtney Fletcher

Now Ready for Springfield People Who Desire Ideal Restricted Homesites Convenient to City and Schools

UNIVERSITY HEIGHTS

The Most Beautiful Tract Available--Southeast

Adjoining the most beautiful city ---Springfield.

Adjacent to the most wonderful college---Southwest Missouri State Teachers College. Located between Phelps Grove Park on the North, Sunshine road on the south, National Boulevard on the east, Kimbrough road on the west.

This addition is Absolutely Restricted, providing all essential safeguards as to buildings and other restrictions necessary for protected, high class residence building sites.

Right in the Path of Growing Springfield

City water, electric lights,
surrounded by well made
hard surfaced roads--one
of the highest spots in
Greene County.

Drive out---stop and look
back and enjoy a wonder-
ful panorama of our fair
city---a view that will de-
light you.

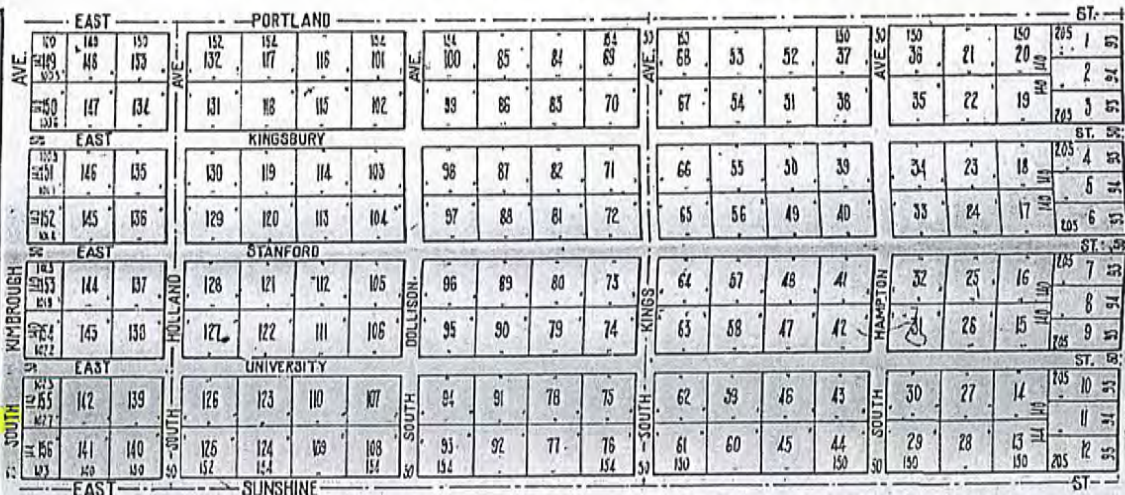
Want a Suburban Home?

Select One of
Three Tracts

Eighteen square tracts
featuring South on Sun-
shine Drive. Each beautiful
tract drive in to be
offered to a street
roadway and hard sur-
faced immediately. This
road to the South Boul-
levard that the city of
Springfield contemplates
in its system of boulevards
drives around the city.

LOTS AND APPROX-
IMATELY 300,000.

Building Restrictions --
Houses in this section to
be not less than 1,400
Other lots restricted
to 2,500 in 17,000.



Lots Fronting National Boulevard

13 lots each 33,000 ft.
Buildings on these lots
are restricted to brick,
stone or stone veneer.
Houses to cost not less
than \$1,400 and to set
back on a building line
15 feet from the Boul-
levard.

SELECT YOUR LOT
AT ONCE

With all city conve-
niences and the wonder-
ful roadway just com-
pleted and maintained
by the Federal Govern-
ment (the feature in
this thoroughfare offers
marvelous opportunity
for other investment or
speculation. There will be
none, so make your
choice immediately.

The State Teachers College and University Heights

We fully believe that the State Teachers College, owing to its phenomenal growth and its wonderful management is destined to become eventually an important cog in the State University System. In anticipation of such an event we have given this beautiful tract the name of UNIVERSITY HEIGHTS. You can readily see the demand for lots in this addition and the price advance that will be commanded. We have therefore platted this tract giving three lots in one, so that later on purchasers should be able to sell a part of their holdings for what the entire tract cost them.

To See Is to Believe and Want to Buy

We could talk about this beautiful tract incessantly and still not tell you all about its beauty, its desirability, accessibility and future, so we suggest you drive out and see for yourself.

Salesmen will be on the ground every day to show you the various lots and locations if you care to drive out at your own convenience. Our salesmen are available at all times with motor cars to drive you out if you will phone 2357 or 2358.

PRICES--We want you to see these lots before quoting prices, for we know your idea of values will coincide with ours.

TERMS--Of course we'll sell on convenient terms if desired.

University Heights Company

STATE SAVINGS TRUST COMPANY

State
Agents

Phones: Business 2357-2358. After 5 p. m. 4631-W, 4631-J, 4061-W

155 North Side Square

UNIVERSITY HEIGHTS

Springfield's Most Popular Addition Established Bus Service--Main Loop PAVED STREETS

We are now paving Stanford Street which runs through the center of University Heights. The contract has been let for the paving of Kimbrough from Sunshine to Catalpa, which upon the completion of the Benton Avenue Viaduct will give a paved thoroughfare from Sunshine to Commercial. Sunshine Street on our South has been unofficially dedicated as Highway No. 16—completing a boulevard completely around the city.

City Water and Electric Lights to Every Lot

Fire Protection

We have just recently installed an eight-inch water main through this beautiful addition with multiple plugs to assure the best of fire protection and the minimum fire insurance rates on every house in University Heights.

Building Restrictions

A purchase of a lot in this addition assures you also of high class restrictions; no garages or frame houses are permitted.

As you drive by stop and see what is being done to make this addition the most popular and ideal residential district in the city.

EXTRA LARGE LOTS

Three Fifty-Foot Lots in One -- Price \$10 a Foot

\$50 Down—\$10 Per Month

COMPARE

Compare our prices, improvements, restrictions and locations with any other in the city. We will be glad to show you why you should build in University Heights.

REMEMBER

Over half the lots in this addition have been sold. It is an established addition and a beautiful, permanent and desirable place for home sites.

Salesmen on the Grounds in the Evenings

DRIVE OUT TODAY

State Savings Trust Co.

PHONES 2357 - 2538



Everything Points to UNIVERSITY HEIGHTS

As the Safest Spot for your home if you have future development in mind. You build your home not for days, but for years. You protect the investment with the assurance of permanency of good location.

That is what we offer you, that is what is safe guarded in UNIVERSITY HEIGHTS by our building restrictions and our exacting standards of qualifications to become a Home-Owner in this community. A beautiful spot along the trail of future residential development. Reasonable prices. Easy terms. Two beautiful bungalows are now being built in this addition.

STATE SAVINGS TRUST CO.

155 N. S. Square Sales Agents Phones 2357-2358

NOTARY PUBLIC AND Notary Acknowledgment

THIS INSTRUMENT MADE ON THE 10th day of June A.D. 1925
One Thomas Jane Hauland and twenty-five
sum of the county of GREENE, State of MISSOURI
of the first part, and JAMES H. HANCOCK
of the County of GREENE, in the State of MISSOURI, part y
WITNESSETH that the said part y of the first part, heretofore known as one Hauland, and other
valuable considerations, to wit: as to the first part, heretofore known as one Hauland, and other
to and part y of the second part, his heirs, assigns and assigns forever, against the lawful
claims and demands of all persons who may hereafter claim to have any right or interest in the above
described land, lying to and within the limits of the County of GREENE, State of MISSOURI, to wit: All of Lot Number Ten
[00] is University Heights, an addition to the city of Springfield, GREENE County, Missouri.
situated to be erected thereon excepting a private residence of brick, stone or stucco construction
to not less than \$6000.00 and to set back not less than 15 feet from the front property
line. The purchaser hereby agrees that he will not erect a garage on this property as a
place of abode, even temporary.
The said 10 feet of the above described lot is hereby reserved and right-of-way is hereby
given to cross said lot for the electric lights, city water, gas, sewer, etc.

33. Stamp 50/ cancelled.

TO HAVE AND TO HOLD these premises, together with the premises hereunto in anywise appurtenant and contained therein,
together with all and singular the rights and appurtenances thereto in anywise appurtenant, unto the said part y of the second part, his heirs,
assigns forever, the said first party, hereby conveying that she is the sole and lawful owner of the above
described land, lying to and within the limits of the County of GREENE, State of MISSOURI, to wit: All of Lot Number Ten
[00] is University Heights, an addition to the city of Springfield, GREENE County, Missouri.
situated to be erected thereon excepting a private residence of brick, stone or stucco construction
to not less than \$6000.00 and to set back not less than 15 feet from the front property
line. The purchaser hereby agrees that he will not erect a garage on this property as a
place of abode, even temporary.
The said 10 feet of the above described lot is hereby reserved and right-of-way is hereby
given to cross said lot for the electric lights, city water, gas, sewer, etc.

STATE OF MISSOURI
County of Greene
I, the undersigned, a Notary Public for said County, do hereby certify that the foregoing instrument, and acknowledged that
the same was executed by the parties thereto as stated therein.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in
the City and County of Springfield, Missouri, this 10th day of June, 1925.
My term of office as Notary Public will expire 1927
Notary Public.

STATE OF MISSOURI
County of Greene
On this 10 day of June A.D. 1925, I, the undersigned, personally appeared Elsie Hauland, a
single woman, to me known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that
she executed the same as her free act and deed. And the said Elsie Hauland
further declared that she is the sole and lawful owner of the above
described land, lying to and within the limits of the County of GREENE, State of MISSOURI, to wit: All of Lot Number Ten
[00] is University Heights, an addition to the city of Springfield, GREENE County, Missouri.
situated to be erected thereon excepting a private residence of brick, stone or stucco construction
to not less than \$6000.00 and to set back not less than 15 feet from the front property
line. The purchaser hereby agrees that he will not erect a garage on this property as a
place of abode, even temporary.
The said 10 feet of the above described lot is hereby reserved and right-of-way is hereby
given to cross said lot for the electric lights, city water, gas, sewer, etc.

Filed for Record on the 3 day of AUG. A.D. 1925 at 3 o'clock 00 minutes P.M.
By Elsie L. Hauland Deputy. Arthur H. Hauland Recorder.

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8
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THIS INDENTURE, Made on the 6th day of May A. D. One Thousand Nine Hundred and Twenty-six
by and between Elaine Mackey, a single and unmarried woman
of Springfield, Missouri
James F. Sawyer & Aisle Sawyer, husband and wife part Y of the first part
of the County of Greene, in the State of Missouri, part 100 of the second part

WITNESSETH, That the said part Y of the first part in consideration of the sum of
\$1.00 & other valuable considerations
has her part by the said part 100 of the second part the receipt of which is hereby acknowledged does
hereby and with, convey and deliver unto the said part 100 of the second part their heirs and assigns the following described
tracts or parcels of land, here, here and situate in the County of Greene and State of Missouri, to wit:
All of Lot 111, UNIVERSITY HEIGHTS ADDITION to the City of Springfield, Greene County, Missouri.
Nothing to be erected thereon excepting a private residence of brick, stone or stucco concrete
to cost not less than \$8000.00 and to set back not less than 75-ft. from the front property line
Subject to a right-of-way covering the rear 10-ft. of this lot, for water mains, electricity,
sewerage, etc.

Internal Revenue

cancelled

TO HAVE AND TO HOLD the premises abovesaid with all and singular the rights, privileges, appurtenances and immunities thereto
belonging or in anywise appertaining, unto the said parties of the second part and unto their heirs and assigns forever, to be
hereby conveying that she is lawfully seized of an undivided share in fee in the premises herein conveyed, that she
has a good right to convey the same, that the said premises are free and clear of any encumbrances then or suffered by her
or those under whom she claims, and that she will warrant and defend the title to the said premises unto the
party of the second part, and unto her heirs and assigns forever, against the lawful claims and demands of all persons whomsoever
excepting taxes due and payable in the year 1926 and thereafter
IN WITNESS WHEREOF, the said part Y of the first part has hereunto set her hand and seal, the day and year
first above written

Signed, sealed and delivered in the presence of us

Elaine Mackey

(S)

(S)

(S)

(S)

STATE OF MISSOURI, }
County of Greene, } ss. On this 6th day of May, 1926, before me personally appeared
and
his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same
as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in
the day and year first above written.

My term of office as Notary Public will expire
(L. S.)

12

Notary Public

STATE OF MISSOURI, }
County of Greene, } ss. On this 6th day of May A.D. 1926, before me personally appeared
Elaine Mackey, a single and unmarried woman
to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same
as her free act and deed. And the said Elaine Mackey
further declared herself to be single and unmarried.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri
the day and year first above written.

My term of office as Notary Public will expire September 24th
(L. S.)

1929

T. A. Nielsen

Notary Public

Filed for record on the 23 day of June
By Ruby L. Linton Deputy.

A. D. 1927, A 10 o'clock 10 minutes A. M.
Jack F. McKee

The Indenture, Made on the 11th day of July 1891 D. C. One Thousand Nine
Hundred and 91 years by and between Eliza Hestey, a single and married woman

of the County of Greene to the State of Missouri part 7 of the second part, OTHELLO, Then the said part 7 of the first part, in pursuance of the laws of Missouri

Two thousand & 00/100

so. 1000 paid by the said party of the second part, the receipt of which is hereby acknowledged, on 24. by these premises
Owens, Bergland, and Bell, Conway and Compton were the said party of the second part. All heirs and assigns, the
aforesaid described lots, tracts or parcels of land lying, being and situate in the County of DRENNAM
State of Minnesota, of lot twelve (12) in University Heights addition to the city of

Springfield, Missouri. Nothing to be created there except a private dwelling, to our best

not less than twenty five feet from the front property line, and to not set back less than

84-113, 00

TO DATE ARE TO HOLD The premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto the said part ... of the second part, and unto all acts and covenants, promises and conditions therein expressed, touching the said

_____ hereby certifying that _____ also is _____ lawfully seized of an independent estate in fee in the premises hereto conveyed; that _____ also is _____ well and legally entitled to convey the same; that the said premises are free and clear of every encumbrance then or hereafter by _____ or those under whom _____ claims it, and that _____ will warrant and defend the title to the said premises unto the said part _____ of the second part, and unto _____ heirs and assigns, forever, against the lawful claims and demands of all persons whatsoever.

~~EXCEPT ALL EARNINGS FOR THE YEAR 1917 AND 1918~~

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Court at the City of New York, this 14th day of June, 1964.

Expend, Audit and Disbursement by President of us:

Elaine Healer USA

1544

1880

— ۱۴۴۴ —

6644

STATE OF MICHIGAN

Recorded in mid 1944 and the following instructions, and referred to that they requested the same as that had not and found.

AP PROPERTY REPORT, I have reviewed and my friend and neighbor my neighbor, at my home in _____
this day and year first above written.

My term of office as a County Judge will expire _____.

STATS OF ASSOCIATE

of year 1811 and of July 4. D. 37. before the marriage occurred

[illegible]

CONFIDENTIAL

THE UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20535

Mr. C. Gaylor, Station Public

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Journal compilation © 2006 Blackwell Publishing Ltd

[illegible]

_____ Sam H. Johnson _____ Jack D. Baker _____

[illegible]

WARRANTY DEED—With Statutory Acknowledgment

THIS INDENTURE, Made on the 10th day of June A. D. One Thousand Nine Hundred and Twenty,

by and between Eloise Mackey a single woman

of Greene County, Missouri

of the County of Greene, in the State of Missouri, parties

part y of the first part, and

WITNESSETH, That the said part y of the first part in consideration of the sum of Seventy Five Hundred & 00/100

to her paid by the said part les of the second part, the receipt of which is hereby acknowledged, do by these presents bargain, and sell, convey and confirm unto the said parties of the second part their heirs and assigns, the following described

tracts or parcels of land lying, being and situate in the County of Greene and State of Missouri, to-wit: All of Lots 13, 59, 102, 114 and 119, in UNIVERSITY HEIGHTS ADDITION to the City of Springfield, Mo.

Nothing to be erected on Lot #13, except a private residence of brick, stone or stucco construction to cost not less than \$5000.00 and on lots 59, 102, 114 and 119, except a private residence of brick stone or stucco construction to cost not less than \$3000.00 to set back not less than 30 feet from the front property line, Parties of the second part hereby agree that they will not erect a garage on any of these lots as a place of abode, even temporary.

Internal Revenue

cancelled

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto in anywise appertaining, unto the said parties of the second part and unto their heirs and assigns forever, the said

parties of the second part, she is lawfully seized of an indefeasible estate in fee in the premises herein conveyed, that she has a right of use in the said premises, that the said premises are free and clear of any incumbrances done or suffered by her or her assigns, she will warrant and defend the title to the said premises unto the said parties of the second part, and unto their heirs and assigns, forever, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the said part y of the first part has hereunto set her hand and seal, the day and year first above written.

Eloise Mackey

(SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF MISSOURI

County of Greene, On this 10th day of June 1922, before me personally appeared

and do with me know the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the City and County of Greene, Missouri.

My term of office as Notary Public will expire

1922

Notary Public.

STATE OF MISSOURI

County of Greene, On this 10th day of June A.D. 1922, before me personally appeared

her

herself

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Mo.

My term of office as Notary Public will expire September 24th

1922

W. A. Rio Nelson

Notary Public

STATE OF MISSOURI

County of Greene, On this 10th day of June A.D. 1922, before me personally appeared

her

herself

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Mo.

Jack W. McKee

Recorder

WARRANTY DEED, MAY, STATUTE, Acknowledgment

THIS COVENANT, MADE ON THE 20th day of July A. D. 1925, between Elsie Mackay, a single woman, of the County of Greene, State of Missouri, and Floyd Kataris, of the County of Greene, in the State of Missouri, part of the first part, and of the second part, WITNESSETH, That the said party of the first part, in consideration of the sum of Fifteen Hundred & 00/100 Dollars to her paid by the said party of the second part, the receipt of which is hereby acknowledged, do hereby sell, convey and confirm unto the said party of the second part, his heirs and assigns the following described lot, tracts or parcels of land, lying, being and situate in the County of Greene, and State of Missouri, to-wit: All of Lot Fourteen (14), in University Heights, an addition to the City of Springfield, Missouri, nothing is to be erected thereon excepting a private residence of brick, stone or stucco construction, no cost not less than \$3000.00 and to set back not less than 30 feet from the front property line. The purchaser hereby agreed that he will not erect a garage on this lot as a place of abode even temporary.

L. H. Stamp \$1.50 cancelled.
TO HAVE AND TO HOLD the premises above described with all and singular the rights, privileges, appurtenances and immunities thereunto in anywise appertaining unto the said party of the second part and unto his heirs and assigns forever, the said First Party hereby covenanting that she is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that she has a good right to convey the same; that she and her heirs and assigns are free and clear of any encumbrances duly or suffered by her or them under which she claims and that she will warrant and defend the title to the said premises unto the said party of the second part, and unto his heirs and assigns forever, against the lawful claims and demands of all persons whomsoever except taxes for the year 1925 and thereafter.
IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written.
Signed, sealed and Delivered in the presence of
Elsie Mackay (SEAL)
(SEAL)
(SEAL)
(SEAL)

STATE OF MISSOURI,
County of Greene,
On this 20th day of July A. D. 1925, before me personally appeared _____, his wife, known to me to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in _____, the day and year first above written.
My term of office as Notary Public will expire _____
Notary Public.

STATE OF MISSOURI,
County of Greene,
On this 20th day of July A. D. 1925, before me personally appeared Elsie Mackay, a single woman, known to me to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed. And the said Elsie Mackay further declared herself to be single and unmarried.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Mo., the day and year first above written.
My term of office as Notary Public will expire July 1926
(15)
A. M. Van Matre Notary Public.
Filed for Record on the 30 day of July A. D. 1925 at 3 o'clock P. M. minutes P. M.
Arthur B. Fisher - Recorder
Deputy.

4
8
7

SCHEDULE B, PART II

(Exceptions)

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I Requirements are met.
2. The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid for the year 2022 and all subsequent years.

Tax ID# 88-13-25-424-001 VL: \$54,820 TX: \$2,993.61
3. Rights or claims of parties in possession not shown by the public records.
4. Easements or claims of easements, not shown by the public record.
5. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate survey and complete land survey of the land.
6. Any lien or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public record.
7. Taxes, or special assessments, if any, not shown as existing liens by the Public Records.
8. All Rights-of-Way, Easements, Setback Lines, and Informational Notes which are shown on the recorded plat for University Heights, an Addition, in Plat Book J, at Page 49, Recorder's Office, GREENE County, Missouri.
9. Right-of-Way Deed, granted to Springfield City Water Co. and Springfield Gas & Electric Co., as set out in Book 469, at Page 66, Recorder's Office, GREENE County, Missouri.
10. Terms and Provisions of Restriction on Warranty Deed as contained in Book 487, at Page 367 and Warranty Deed in Book 668, at Page 177 and Building Restriction on Warranty Deed in Book 817, at Page 45, and in on Warranty Deed in Book 848, at Page 238, and any subsequent deeds, Recorder's Office, GREENE County, Missouri. (Lot 10 University Heights)
11. Home Owners Association dues.
12. The lien of all taxes for the year 2022 and thereafter. None now due and payable.
13. All Inquiries should be directed to Holly Foss at 1605 E. Sunshine - Springfield, Mo. 65804. Phone 417-882-0909 Fax 417-823-2620.

Hogan Land Title Company
1605 E. Sunshine
Springfield, MO. 65804
Tel 417 882-3000
www.hogantitle.com

(2202314.PFD/2202314/45)

From: [Mark Fletcher](#)
To: [Neal, Daniel](#); [Gage, Jason](#)
Subject: University Heights
Date: Wednesday, October 5, 2022 10:07:52 AM
Attachments: [doc05079620221005093641.pdf](#)

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

Mr Neal

Please add to my submission the attached demand letter to the bank which loaned money to the applicant despite knowing of the deed restrictions and BK&M, LLC's intent to violate the same. Thank you.

Mark Fletcher

THIS INDENTURE, Made on the 7th day of December A. D. One Thousand Nine Hundred and twenty nine
 by and between Eloise Mackey, a single woman-
 of Greene county, Missouri part 1 of the first part, and
 Bessie Leboyita and Bella Hints
 of the County of Greene, in the State of Missouri, part 108 of the second part.

WITNESSETH That the said part 1 of the first part in consideration of the sum of
 fifteen hundred- Dollars
 to her paid by the said part 108 of the second part, the receipt of which is hereby acknowledged, do hereby these presents grant,
 bargain, and sell, convey and confirm unto the said part 108 of the second part their heirs and assigns, the following described lots,
 tracts or parcels of land lying, being and situate in the County of Greene and State of Missouri, to-wit:

All of lot twenty nine (29) in University Heights an addition to the city of Springfield,
 Missouri.

Nothing to be built thereon except a private residence of brick, stone or stucco construction,
 to set back not less than thirty feet from the front property line and to cost not less than \$3000.00

Internal Revenue

cancelled

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto be-
 longing or in anywise appertaining, unto the said part 108 of the second part and unto their heirs and assigns forever, the said
 Eloise Mackey

hereby covenanting that she is lawfully seized of an indefeasible estate in fee in the premises herein conveyed, that she
 has a good right to convey the same; that the said premises are free and clear of any incumbrances done or suffered by her
 or those under whom she claims; and that she will warrant and defend the title to the said premises unto the said
 part 108 of the second part, and unto their heirs and assigns forever, against the lawful claims and demands of all persons whomsoever
 except the taxes for the year 1920 and thereafter.

IN WITNESS WHEREOF, the said part 1 of the first part has hereunto set her hand and seal on the day and year
 first above written.

Signed, sealed and delivered in the presence of us

Eloise Mackey

(SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF MISSOURI }
 County of Greene }

On this 7th day of December 1929, before me personally appeared

and

his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same
 as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in
 the day and year first above written.

My term of office as Notary Public will expire
 (L. S.)

19

Notary Public.

STATE OF MISSOURI }
 County of Greene }

On this 7th day of December 1929, before me personally appeared

Eloise Mackey a single woman

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same
 as her free act and deed. And she said Eloise Mackey
 further declared herself to be single and unmarried.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri,
 the day and year first above written.

My term of office as Notary Public will expire June 29th 1930
 (L. S.)

19

Mina C. Gaylor

Notary Public.

Filed for record on the 18

day of

March

A. D. 1930

at 11 o'clock

AM

minutes, at

By

Ruby Libins

Deputy.

Jack W. McKee

Recorder.

THIS INDENTURE, Made on the 8th, day of June, A. D. One Thousand Nine Hundred and Twenty th,
by and between Eloise Mackey, a single and unmarried woman
of Springfield, Missouri, part y of the first part, and
Vern Dillon,
of the County of Greene, in the State of Missouri, part y of the second part.

WITNESSETH, That the said part y of the first part in consideration of the sum of
\$1.00 and other valuable considerations,
to her paid by the said part y of the second part, the receipt of which is hereby acknowledged, do as by these present
bargain, and sell, convey and confirm unto the said part y of the second part his heirs and assigns, the following described
tracts or parcels of land, lying, being and situate in the County of Greene and State of Missouri, to wit:
All of Lot 28, in University Heights Addition to the City of Springfield, Missouri

Nothing to be erected thereon except a private residence of brick, stone, or stucco con-
struction, to cost not less than \$5000.00 and to set back not less than 30 ft. from the front
property line. The purchaser hereby agrees that he will not erect a garage on this property
as a place of abode, even temporary.

Internal Revenue --- cancelled

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto be-
longing or in anywise appertaining, unto the said part y of the second part and unto his, heirs and assigns forever, that
he as paid right to convey the same; that the said premises are free and clear of any incumbrances done or suffered by her
or those under whom she claims s; and that she, will warrant and defend the title to the said premises unto the said
part y of the second part, and unto his, heirs and assigns, forever, against the lawful claims and demands of all persons whomsoever.
Excepting taxes due and payable in the year 1926 and thereafter.
IN WITNESS WHEREOF, the said part y of the first part as hereunto set her, hand and seal, the day and year
first above written.

Signed, sealed and delivered in the presence of us

Eloise Mackey,

(SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF MISSOURI

County of Greene

On this 8th, day of June, 1926, before me personally appeared

and

his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same
in their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in
the day and year first above written.

My term of office as Notary Public will expire
(L. S.)

1926

Notary Public

STATE OF MISSOURI

County of Greene

On this 8th, day of June, A. D. 1926, before me personally appeared

Eloise Mackey, a single and unmarried woman,

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same in
her, free act and deed. And the said Eloise Mackey, a single woman,
further declared herself, to be single and unmarried.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri
the day and year first above written.

My term of office as Notary Public will expire September 24th,
(L. S.)

1929

Notary Public

T. B. Nicholson,

(SEAL)

Filed for record on the

24, day of

June,

Deputy

A. D. 1926 at 20 o'clock 10 minutes A. M.

Arthur D. Finch,

Recorder

From: [Mark Fletcher](#)
To: [Neal, Daniel](#)
Cc: [Courtney L. Fletcher](#); [Istenes, Susan](#)
Subject: University Heights Rezoning
Date: Monday, November 14, 2022 10:36:30 AM
Attachments: [570-544.q0000.pdf](#)
[503-92.pdf](#)

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

Mr Neal

Attached are copies of the original deeds for lots 28 & 29 in University Heights. These are the lots added by BK&M, LLC in its new application. These lots contain the same building restrictions as Lots 10-14, for which I previously submitted the original deeds. Please add the deeds for Lots 28 & 29 to my submission in this matter.

Mark Fletcher

From: [Mark Fletcher](#)
To: [Neal, Daniel](#)
Subject: University Heights Rezoning/Neighborhood Meeting in Violation of ADA
Date: Saturday, October 22, 2022 8:03:24 PM

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

Mr. Neal

I am contacting you regarding the Neighborhood Meeting in the above matter which is scheduled to take place Monday at 1955 S. National Ave. It is my information that the City has previously received complaints that this meeting site is not handicap accessible. It is also my information that the applicant has refused neighborhood requests to make reasonable accommodations and hold the Neighborhood Meeting at a handicap accessible site. As you are aware, there is no parking within 150 meters of this site. What parking is available is extremely limited. Additionally, anyone walking to this location must traverse the narrow sidewalk on either National Ave or Sunshine Street during the peak of evening traffic. The City is aware, or should be aware, that University Heights has a number of residents who are disabled under the Americans with Disabilities Act. Some of our residents would be required to walk almost a mile to the meeting site. For instance, my neighbor Grace Martin uses a walker and is only able to walk short distances. She lives 1/2 mile from the meeting site. It is impossible for her to attend this meeting. Additionally, the weather forecast for Monday afternoon/evening is for heavy rain. This is a purposeful attempt to violate the Americans with Disabilities Act in order to decrease neighborhood turnout and opposition at the scheduled meeting. The City has a legal obligation to ensure that public meetings are held in compliance with the ADA.

By this email, I am requesting that you provide me a response no later than 10:00 a.m Monday October 24th detailing the actions that City has taken, or intends to take, to protect the rights of University Heights residents and ensure compliance with Federal Law. If the City is unwilling to take the necessary steps to force the applicant to comply with the Americans with Disability Act, then the U.S. Attorney for the Western District of Missouri will be contacted. Additionally, University Heights residents will make points of order and privilege throughout the meeting regarding the applicant's willful violations of the Americans with Disabilities Act.

I look forward to the City taking action to uphold the ADA.

Mark Fletcher



From: [Mark Fletcher](#)
To: [Neal, Daniel](#)
Subject: University Heights Follow up
Date: Sunday, October 23, 2022 3:33:36 PM

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

Attached is a picture of the tent on the corner of Sunshine and National that disabled University Heights residents are being forced to walk to in order to participate in the Neighborhood Meeting. This is an absolute disgrace.

From: [Mark Fletcher](#)
To: [Neal, Daniel](#)
Subject: University Heights Follow Up
Date: Sunday, October 23, 2022 8:11:12 PM

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

Mr Neal

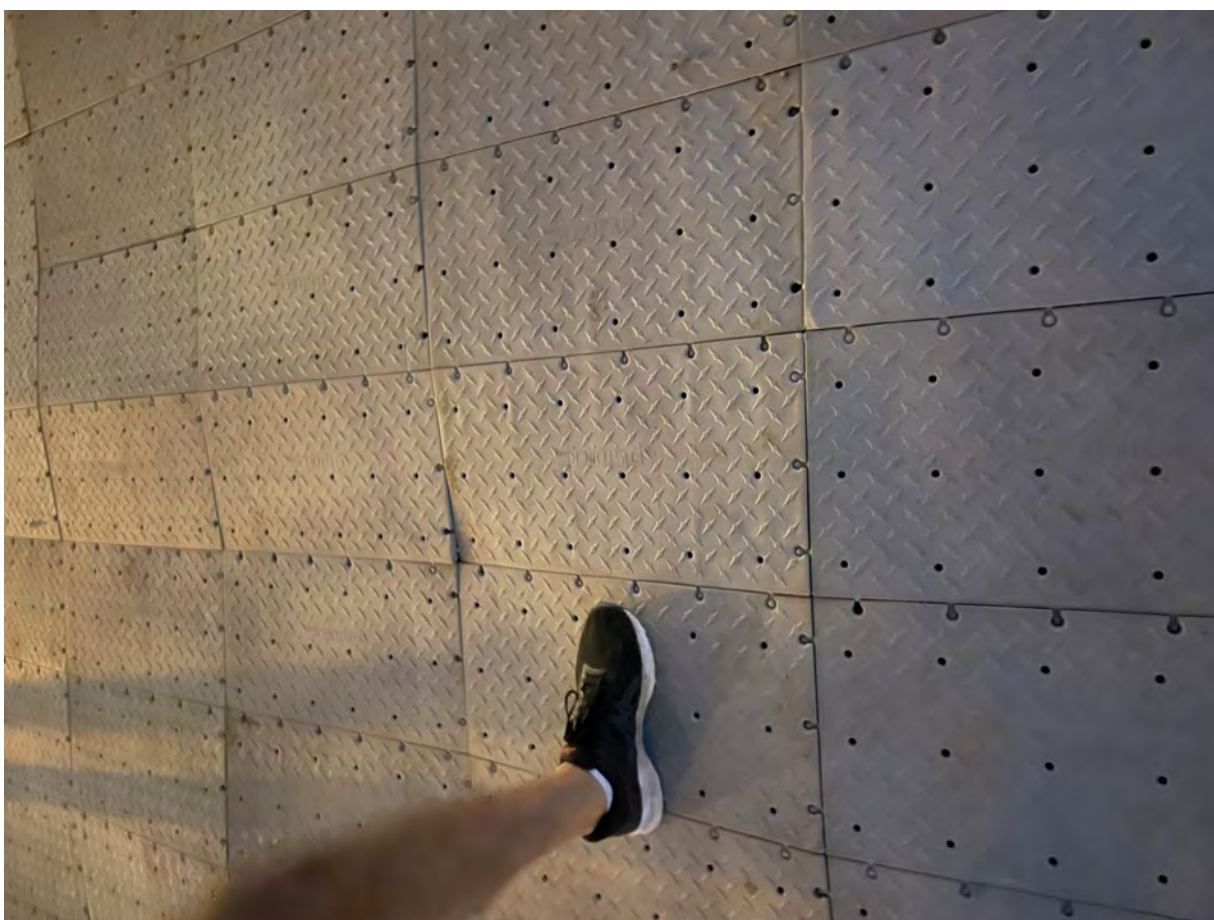
Attached are photos I took this evening of the flooring for tomorrow's meeting. I've never seen a more unprofessional & potentially dangerous grading of ground & placement of temporary flooring. This is a situation where the ADA is being mocked but also a hazard for healthy people. There are actually still large roots & rocks under this flooring. There are holes greater than a foot deep under the flooring.

The area under the tent is 25x30 - 750 square feet. The weather forecast is now 100% chance of thunderstorms between 4-6 p.m. My wife and I have already been contacted by seven neighbors who can not attend the meeting due to their disabilities. We have residents confined to wheelchairs, residents who use walkers, residents who can not be out in the rain due to MS and other diseases.

I question whether anyone is truly this incompetent. This is being done on purpose. I again demand that the City take action. It has also come to my attention that the tent permit for this event was not obtained the required five days prior to the event. I would like to know how the City is handling this situation and if it intends to enforce its guidelines.

Please add my emails of today's date to my submission in this matter.

Mark Fletcher











September 27, 2022

VIA HAND DELIVERY & EMAIL: dneal@springfieldmo.gov

PRIVILEGED & CONFIDENTIAL

Mr. Daniel Neal
840 N. Boonville Ave.
1st Floor
Springfield, MO 65802

RE: Proposed Rezoning of NW Corner of Sunshine and National/University Heights

Dear Mr. Neal:

We are concerned homeowners who have resided at 1011 E. University Street for twenty-two years. University Heights Addition was designed as a single-family residential neighborhood. Restrictions were placed in the public record to create and preserve our neighborhood as an exclusively residential community. The applicant in this matter seeks to rezone Lots 10-14 from single-family residential to commercial. Please find copies of the original deeds for Lots 10, 11 & 13 attached hereto. Each deed provides "Nothing to be erected thereon excepting a private residence of brick, stone or stucco construction...." Additionally, each deed contains a setback requirement which makes the potential placement of a commercial building incompatible with current City guidance and requirements. We are in the process of locating the original deeds for Lots 12 & 14 and will forward those to your attention within the next twenty-four hours.

It is our information that the above-mentioned restrictions are contained in every original deed for University Heights Addition. We own the east ½ of Lot 63. The very same building restrictions on Lots 10, 11 & 13 are contained in the original deed for our lot. As a result, we have the legal right to enforce the restrictions which exist on the applicant's lots. By this letter, we respectfully demand that the Planning & Zoning Commission immediately cease any and all activity related to the rezoning of any lots in University Heights Addition until such time as the present applicant, or any future applicant, obtains a court order that commercial buildings or appurtenances can be erected in University Heights Addition despite the existence of the above-mentioned restrictions. We are confident that these restrictions will be upheld by a court of law.

In the event that the Commission decides to proceed despite the clear and unequivocal

Letter to Mr. Daniel Neal

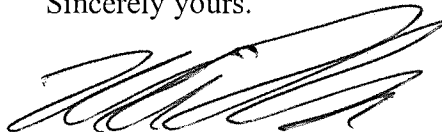
Page 2

September 27, 2022

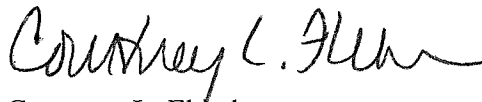
nature of the restrictions contained in the attached deeds, we will bring this issue before the Commission; however, we strongly believe that a Commission hearing is an improper forum for this issue to be heard. With all due respect, the Commission is not designed to resolve legal issues and it does not have the requisite expertise to do so, nor can it issue a final and binding judgment as to the applicability of the restrictions. The Commission should direct the applicant to challenge the restrictions in Greene County Circuit Court before this matter proceeds any further. The Commission is obligated to respect restrictions contained in the public record in the absence of a court order holding otherwise.

Thank you in advance for your time and attention to this matter.

Sincerely yours.

A handwritten signature in black ink, appearing to read 'Mark Fletcher', with a stylized, cursive script.

Mark Fletcher

A handwritten signature in black ink, appearing to read 'Courtney L. Fletcher', with a stylized, cursive script.

Courtney L. Fletcher

STRENGTHENING THE U.S. ECONOMY

THIS INDENTURE, MADE ON THE 16th day of JUNE A.D. One Thousand Nine Hundred and Twenty-Six by and between ELVINO HUCKLEY, a single man of the County of Greene, State of Missouri: Part: 1
WILLIAM of the County of Greene, State of Missouri: Part: 2
of the first part, and J. HARTED SHADERS of the County of Greene, in the State of Missouri, Part: 3
WITNESSETH, That the said part 1 of the first part, in consideration of the sum of One Dollar & other valuable Considerations, Dollars to him, Part: 4
the sum of which is hereby acknowledged, do as by these presents grant, bargain, and sell, convey and confirm unto the said part 2 of the second part his heirs and assigns the following described lot, tracts or parcels of land, lying, being and situate in the County of Greene, and State of Missouri, to-wit: All of Lot number Ten (20) in Fairview Heights, an addition to the City of Springfield, Greene County, Missouri, nothing to be erected thereon excepting a private residence of brick, stone or stucco construction to cost not less than \$8000.00 and to set back not less than 75 feet from the front property line. The purchaser hereby agrees that he will not erect a garage on this property as a place of store, even temporary.

【关键词】 网络；教师；教育；发展

TO HAVE AND TO HOLD the premises aforesaid with all and singular the rights, appurtenances and immunities thereto in full and perfect right to the said party of the second part and unto his heirs and assigns forever, the said party of the first part hereby covenenting that she do hereby defend of us her successors and heirs in fee in the premises herein conveyed; that she in a good right to convey the same; that the said premises are free and clear of any encumbrances whether suffered by her or them under whose title claim is made and that she will evermore and abideth the law to the said premises unto the said party of the second part, and unto his heirs and assigns forever, against the lawful claim and demands of all persons whomsoever. Except taxes for the year 1925 and thereafter.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written.

Shipped, Sealed and Delivered in the presence of

RECEIVED BY	RECEIVED BY
RECEIVED BY	RECEIVED BY
RECEIVED BY	RECEIVED BY
RECEIVED BY	RECEIVED BY

BUTTERFIELD **KOPPEL** **THE NEW YORK PUBLIC LIBRARY**

[illegible]

(Case 10-1749)

and he was known to be the person involved in and who created the designs, trademarks, and correspondence that they accepted the name as their brand and mark.

ON "CONFIDENTIALITY" WRITING, I have comments on my last post which are helpful and at my sides in the way and your book shows writing.

36. Some editions of Henry VIII will include

REPORT, A TYPICAL COURT INTERVIEW OF LINDSEY

КОНСТИТУЦИОННО-ПРАВОВОЙ

On this day of month, year, at the County of _____, State of _____, before me, _____, Notary Public in and for the State of _____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed. I have declared the contents of the foregoing instrument to him.

1. Alleged presence of one Samuel in the process - described in and who accused him of plotting to murder and assassinate
 there. Also accused the same day Samuel and son. And the son slave Samuel
himself to be about and assassinate.

[illegible][illegible]

Printed for Deposit on the 23	Day of	JULY.	A. D. 1864.	at	St. Vincent's	at	St. Vincent's	at	St. Vincent's
Printed for Deposit on the 23	Day of	JULY.	A. D. 1864.	at	St. Vincent's	at	St. Vincent's	at	St. Vincent's

THIS INDENTURE Made to the 11th day of March A. D. One Thousand Nine Hundred and Thirty-eight
by and between
J. Warren Sanders and Helen Sanders, his wife
of Springfield, Greene County, Missouri;
Doris Lowelling

of the County of Greene, in the State of Missouri, part Y of the second part.

WITNESSETH That the said part 1st of the first part in consideration of the sum of
One Dollar and exchange of property

is then paid by the said part Y of the second part, the receipt of which is hereby acknowledged, to by these parties grant, bargain, and sell, convey and confirm unto the said part Y of the second part, D.E.T. said and assigns, the following described tract, more or less of land lying, being and situate in the County of Greene and State of Missouri, to-wit:

Lot ten in University Heights, an addition to the City of Springfield, Missouri.
Subject to building restrictions as provided in deed from Elsie Mackey to J. Warren Sanders
dated June 30, 1925, recorded in Book 457, page 367.
Subject also to the provisions in said deed from Elsie Mackey to J. Warren Sanders to the
effect that the west ten feet of said lot is reserved and right of way given to cross
said lot for electric lights, city water, gas and sewer.

Internal Revenue 50¢ cancelled 3/11/38 J.W.S.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto be-
longing or in anywise appertaining, unto the said part Y of the second part and unto D.E.T. heirs and assigns forever, the said
parties of the first part

hereby covenanting that they are lawfully seized of an indefeasible estate in fee in the premises herein conveyed, that they
be well and good right to convey the same; that the said premises are free and clear of any incumbrances done or suffered by them
or those under whom they claim; and that they will warrant and defend the title in the said premises unto the said
part Y of the second part, and unto her heirs and assigns forever, against the lawful claims and demands of all persons whatsoever.

except taxes payable for the year 1938 and thereafter and also excepting as to
building restrictions and reservation as above set out.

IN WITNESS WHEREOF, the said part 1st of the first part has hereunto set their hand and seal on this day and year
first above written.

Signed, sealed and delivered in the presence of us

J. Warren Sanders

Helen Sanders

(SEAL)
(SEAL)
(SEAL)
(SEAL)

STATE OF MISSOURI
County of Greene

THIS INDENTURE, MADE this 4th day of May, A. D. One Thousand Nine Hundred and thirteen, between Elsie Hasky, a single and unmarried woman of Springfield, Missouri James J. Sawyer & Elsie Sawyer, husband and wife of the County of Greene, in the State of Missouri, part 100 of the second part of the County of Greene in the State of Missouri, part 100 of the second part, in consideration of the sum of \$1.00 a other valuable considerations her part by the said part 100 of the second part, the receipt of which is hereby acknowledged, do hereby grant, sell, convey and transfer unto the said parties of the second part their heirs and assigns the following described tract or parcels of land, to wit, lying and situate in the County of Greene and State of Missouri to-wit:

of lot 34, UNIVERSITY HEIGHTS ADDITION to the City of Springfield, Greene County, Missouri.

Nothing to be erected thereon excepting a private residence of brick, stone or stone concrete to erect not less than \$8000.00 and to set back not less than 75-ft. from the front property line Subject to a right-of-way covering the west 10-ft. of this lot, for water mains, electricity, sewerage, etc.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and incumbrances thereto in anywise lawfully appertaining, unto the said parties of the second part and unto **their** heirs and assigns forever, to and to the use and behoof of the said **first party**.

And the said party of the first part doth hereby covenant, warrant and agree unto the said parties of the second part, that **she** is and lawfully is entitled to the said premises aforesaid, and that the said premises are free and clear of any incumbrances done or suffered by **her** or by any person claiming under **her**, and that **she** will warrant and defend the title to the said premises unto the said parties of the second part, their heirs and assigns forever, against the lawful claims and demands of all persons whatsoever.

Excepting taxes due and payable in the year 1985 and thereafter

[illegible]

Elise Kupper

1992
1993
1994
1995
1996

INSTRUMENT Warranty Deed
BOOK 830 PAGE 80 CONSIDERATION \$ 7500.
DATED Jun 10 1927 NO. 90 FILED Jun 11 1927.
Eloise Mackey, a single woman.

TO
Albert G. Eckert &
Mary Eckert.

Granting Clause Grant Bargain and sell
convey and confirm.

Conveys following land in Greene County, Mo., viz:
All of Lots 13, 59, 102, 114 and 119
in UNIVERSITY HEIGHTS ADDITION to the
City of Springfield, Missouri.
Nothing to be erected on Lot # 13,
except a private residence of brick,
stone or stucco construction to cost
not less than \$5000., and on lots
59, 102, 114 and 119, except a private
residence of brick, stone or stucco
construction to cost not less than
\$3000. to set back not less than 30
feet from the front property line.
Parties of the second part hereby
agree that they will not erect a
garagette on any of these lots as a
place of abode, even temporary.

From: [MARK WEALAND](#)
To: Zoning@springfieldmo.gov
Subject: University Heights
Date: Thursday, September 15, 2022 10:55:55 AM

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

To whom it may concern,

I live at 911 East University Street in University Heights Springfield Missouri. I am against any rezoning around the borders of our community. Many of us have spent hundreds of thousands of dollars restoring these beautiful historic homes. Ours was Built-in 1935.

Mark Wealand
816-525-5535
[Sent from the all new AOL app for Android](#)

From: [Calihman, Matthew S](#)
To: Zoning@springfieldmo.gov
Subject: Opposed to rezoning at corner of Sunshine and National (Z-27-2022 COD #220)
Date: Monday, December 5, 2022 11:57:30 AM

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

Dear Planning & Zoning Commission:

I am a homeowner in University Heights, and I am writing to voice my opposition to the request to rezone the corner of Sunshine and National (Z-27-2022 COD #220).

As you know, University Heights is an historic residential neighborhood. Today Springfield does not have many such neighborhoods, which add value to the entire city and make it a nicer place to live. The city needs to take special steps to preserve these neighborhoods. It would be a big mistake to colonize University Heights to create more space for commercial real estate, "luxury lofts," etc.

Thank you for taking the time to read this message.

Sincerely,
Matthew Calihman
1533 S. Clay Avenue
Springfield, MO 65807

From: [Michael Cavin](#)
To: Zoning@springfieldmo.gov
Subject: 1755 S National-Rezone to GR
Date: Thursday, August 18, 2022 7:33:13 PM

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

I am a resident of the University Heights neighborhood. This neighborhood has long been residential and it should remain that way.

I attended the informational meeting I hosted by the developers on August 18, 2022. There was no clear information on what the developers planned for the properties that they are wanting to re-zone. The developers offered no information for discussion.

For this reason, I completely oppose the rezoning. I would request that City of Springfield require the developer to start over and actually present information at the informational meeting.

If the developers return to the planning and zoning commission to request rezoning, I would ask that their plan be presented prior to the informational meeting so that we know that it won't be another waste of time.

Michael Cavin
1025 E Stanford St.
Springfield, MO 65807

From: [Michael Cavin](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Monday, December 5, 2022 7:32:33 AM

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

I am a resident of the University Heights neighborhood. This neighborhood has long been residential and it should remain that way.

I am concerned about how the additional traffic that this development will draw. The area's vehicular traffic is already overwhelming the infrastructure.

For this reason, I completely oppose the rezoning. I would request that the City of Springfield deny the rezoning request.

Michael Cavin
1025 E Stanford St.
Springfield, MO 65807

From: mmunkatchy@airemaster.com
To: Zoning@springfieldmo.gov; [Council](#)
Cc: lmunkatchy@yahoo.com
Subject: Voicing opposition
Date: Friday, September 9, 2022 2:44:26 PM

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

NW corner of Sunshine and National I am opposed to the rezoning of this corner for commercial at the current time.

Mitchell Munkatchy
Aire-Master of America, Inc.
National Account Representative
417-725-2691 x150
800-525-0957
airemaster.com
mmunkatchy@airemaster.com



From: [Molly Stoner](#)
To: Zoning@springfieldmo.gov
Subject: National rezoning
Date: Thursday, August 18, 2022 5:49:31 PM

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

I live in Phelps Grove and I beg of you to leave these properties alone leave them be. We DO NOT need more traffic and or more business on that corner. You are destroying our neighborhoods just this last fiasco with the Art Museum is unreal and had lasting damage that will obviously effect our resale value of our property!

From: [Norma D. Capeci](#)
To: Zoning@springfieldmo.gov; [Council](#)
Subject: P&Z CASE NUMBER 2-23-2022
Date: Wednesday, September 14, 2022 12:13:03 PM

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

I strongly object to the proposed rezoning of the entire northwest corner of National and Sunshine, the entrance to University Heights neighborhood, from single family residential to commercial.

This proposal is not consistent with the city's comprehensive plan, Forward SGF, for the present and future use of this area, which designates this area as Traditional Single Family Residential. "Forward SGF centers on the concept of ... maintaining unique and quality places that will be essential to the Springfield community's long term health and prosperity." Further, Placetypes assignments reflect "existing development patterns", which takes historical value into consideration. University Heights is this kind of neighborhood.

This change is not necessary. University Heights is a stable neighborhood, with a medium home selling price of \$252,500, third only to Southern Hills and Brentwood. University Street would be the most impacted, where homes selling above those on the interior. Our neighborhood is considered a destination neighborhood, where buyers are willing to pay more per square foot, at \$160, than for any neighborhood in the city. This kind of change would decrease our property values, as residents move out, because of the increased traffic, noise, and potential crime. Our neighborhood is continually revitalizing itself, as old people depart and younger couples come here to raise their families. (See Realtor.com.)

This change is not consistent with the present uses permitted on other property in the immediate vicinity. Our neighborhood has always been residential with no commercial use from its inception 97 years ago. The present layout provides some natural drainage of rain water, but it is already a problem. Development with necessary impervious parking lots, would create more run off into the

neighborhood. Aesthetically, the proposed two story shops and lofts structure is inconsistent with the skyline.

This change would negatively impact the neighborhood, as the potential volume of traffic onto neighborhood streets would increase. The intersection of National and Sunshine has the second highest volume of traffic as any in the city. Drivers cut through on University and Stanford streets at high speeds, when the intersection becomes too congested. West bound traffic on Sunshine is often backed up to Fremont during rush hour. There are frequent near misses as patrons turn onto Mexican Villa. The new strip mall on the northeast corner is struggling because patrons do not want to turn into the parking lot. Residents already find alternate routes to enter/exit the neighborhood. The city would need to widen National to accommodate increased traffic, taking a lane width from the front of these very same houses. Customers would invariably park on University Street. The increased traffic would endanger the safety of the children at play, walkers, bike riders.

Considering the failed development to the east, with the strip mall having less than a 66% occupancy rate, and the struggling businesses on the south, specifically Einstein Bagels, there is not guarantee that the plan would work anyway. The city might gain some sales tax revenue, but that would be lost in property tax collection.

The developers state that the current residents in the National houses do not like the noise. If that is their justification for demolishing the current houses to build loft apartments, then what makes them think that the new residents would find the noise acceptable.

There are plenty of other areas along the Sunshine corridor that are in dire need of development. For example, the northeast corner of Sunshine and Fremont is completely empty. Plus there is already an abundance of unoccupied retail shops and housing city wide.

This concept is impractical for the city and destructive for the neighborhood. This proposal is counter to the Forward SGF idea of ensuring the neighborhood's "long term health and prosperity". The city and the neighborhood would bear a heavy

burden for this development.

It has been noted that the city of Springfield is *not* aesthetically pleasing, which, to some, shows a lack of pride and investment in the community. Given the number of visitors to Mercy Hospital and Bass Pro Shop, coming from outside of the city, it seems that this major intersection *counters* that image. The house on the corner is a landmark, which is recognizable to almost everyone in the city. The houses to the north and west are unique architecturally. These houses display Springfield's rich heritage of almost a century ago. Other Missouri cities like Saint Louis and Kansas City prize their old historic homes. Springfield should do the same.

Thank you for your dedication to our community and continuous hard work.

Norma D. Capeci
900 East Kingsbury Street
Springfield Missouri 65807
471-883-3379

From: [Raquel Garcia Hansen](#)
To: Zoning@springfieldmo.gov
Subject: University Heights Neighborhood Rezoning Proposal
Date: Monday, September 26, 2022 8:59:34 PM

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

Dear Planning Commissioners Natalie Broekhoven, Kuleya Bruce, Bruce Colony, Randall Doennig, Britton Jobe, Carl Knuckles, Chris Lebeck, and Eric Pauly,

I am kindly writing for your consideration to oppose the rezoning request being presented by BK&M regarding University Heights properties near S. National Avenue and E. Sunshine Street based on the following:

--[if !supportLists]-->1. <!--[endif]-->**Safety** will be severely impacted. The intersection of S. National Avenue and E. Sunshine Street is one of the highest volume intersections in Springfield and has the highest number of crashes in the city. Attempts to get on and off E. University Street from S. National Ave and E. Sunshine St is currently problematic and dangerous with the existing traffic. If these properties were to be rezoned, traffic on E. University Street would increase by 1,000 vehicles per day. This quiet, residential, interior street is the location that children, youth, families, elderly, and all the residents use daily for walking, running, and playing. E. University Street will become unsafe as drivers attempt to bypass the already congested main streets.

--[if !supportLists]-->2. <!--[endif]-->Under current City Code, **access** to S. National Ave and E. Sunshine St cannot be allowed due to the properties not meeting driveway access requirements. Current City Code requires access on S. National Ave be 400 feet from the nearest right of way line of E. Sunshine St, and access on E. Sunshine St is required to be 300 feet from the nearest right of way line of S. National Ave. There is not enough property frontage to meet these requirements along S. National and E. Sunshine. Current City Code also requires that access on E. University St be 110 feet from the nearest right of way line of S. National; therefore, the developers will either intend to "vacate E. University Street" for S. Hampton Ave. access, or access will be forced onto E. University St. If vehicle access only allowable through E. University,

--[if !supportLists]-->3. <!--[endif]-->**Crime** will immediately increase. If an alley or back road were created off E. Sunshine or E. University Street. An environment for the criminal minded and loiterers to linger in the interior neighborhood is created.

--[if !supportLists]-->4. <!--[endif]-->If the developers intend to "vacate E. University Street" for S. Hampton Avenue access, vehicle traffic **congestion and parking overflow** on the quiet residential street will occur.

--[if !supportLists]-->5. <!--[endif]-->Commercial **parking overflow** will pour onto the residential areas of E. University Street and other interior neighborhood streets.

--[if !supportLists]-->6. <!--[endif]-->Rezoning residential homes **does not follow the Comprehensive Plan** or the soon-to-be ratified Forward SGF, which designate all of University Heights as strictly Single Family Residential. University Heights Neighborhood is classified as a "Residential Neighborhood – Traditional" and, therefore should be provided all the protections of such.

<!--[endif]-->There are **no current conditions or foreseeable conditions that make rezoning necessary**.

<!--[endif]-->This neighborhood boasts the highest **property values** in its history and consistently maintains one of the highest property values in Springfield; therefore,

<!--[endif]-->Rezoning will negatively affect **property values**. Commercial rezoning so close to a residential neighborhood allows for establishments such as marijuana dispensaries, "head" shops, and bars. With these come unpredictable clientele. If more foot traffic, vehicle traffic, tall buildings, smelly food establishments, marijuana dispensaries, bars, "head" shops, or any other proposed General Retail Allowable Use is put in place, the predictable calm, quiet, and safety of University Heights is lost, and

residential flight will occur.

--[if !supportLists]-->10. <!--[endif]-->University Heights has **never had commercial development within its borders** in all its history. Conceding to rezoning will only encourage more commercial development in the future, which will be the demise of this valuable, quiet, and safe historic neighborhood.

--[if !supportLists]-->11. <!--[endif]-->Lastly, due to an existing problem with **flooding**, removal of green-spaces would only increase neighborhood flooding – an ongoing problem for residents and people who try to move around the area during flooding. It is currently unknown what impact a commercial development will have on the sewer and Fassnight Creek drainage basin.

Respectfully, the most advisable action for the Planning and Zoning Commission currently is:

--[if !supportLists]-->1. <!--[endif]-->Postpone all decisions until an in-depth, thorough review is complete; and,

--[if !supportLists]-->2. <!--[endif]-->Wait until a complete traffic, safety, and environmental/sewer/water study is complete.

Please, for the sake of the residents of University Heights Neighborhood, consider opposing a decision that will negatively impact their safety and well-being. Thank you so much for your time and consideration.

Sincerely,

Raquel García Hansen, resident/owner at 625 E. University Street

raquette.garcia@gmail.com

808-222-3907

625 E. University Street

Springfield, MO 65807

From: [Rowena Raborar](#)
To: Zoning@springfieldmo.gov; [Council](#)
Subject: Opposition to Rezoning Case Z-23-2022 at Sunshine/National
Date: Sunday, September 4, 2022 9:13:04 AM

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

Dear Members of the Springfield Zoning and City Council,

I am a homeowner in the University Heights Neighborhood and am writing to voice my opposition to rezoning case Z-23-2022 w/ Conditional Overlay District No. 220 at the NW corner of Sunshine and National. I would also like to advocate for an administrative pause in considering rezoning requests along our historic corridors.

Thank you for your consideration in this matter. We appreciate the work you do.

Regards,
Rowena Raborar
1127 E Stanford St
Springfield, MO 65807

From: [Sara Garrett](#)
To: Zoning@springfieldmo.gov
Subject: University Heights Rezoning Proposal
Date: Saturday, October 22, 2022 10:07:12 AM

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

Springfield Zoning,

I am responding to a Neighborhood Meeting Notice I received in the mail. This notice was concerning a zoning map amendment for the properties at 1111, 1119, 1133 & 1141 E Sunshine St, 1138 E University St, 1739, 1745 & 1755 S National Ave. This rezoning is vehemently opposed to by every resident of University Heights Neighborhood I have talked to. This is a historic Springfield Neighborhood. Many of the homes here are close to 100yrs old. The beautiful and well kept homes here are unique. The residents chose this Neighborhood for these reasons. Many here have lived in the University Heights Neighborhood for decades. This proposed rezoning will also greatly effect the traffic issues that already exist at National and Sunshine. I am concerned that the egress to the proposed property will create an even bigger problem with this intersection. Has there been a traffic study to ascertain impact of this change? I ask that you reconsider the preposed rezoning and the impact will have for those of us who love this historic neighborhood.

Sara Garrett
University Heights Neighborhood Resident or 23yrs.

From: [Sara Garrett](#)
To: Zoning@springfieldmo.gov
Subject: University Heights Zoning Issue
Date: Saturday, October 29, 2022 2:16:43 PM

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

I wrote to you a few days ago to express my displeasure about attempts to rezone the properties at Sunshine and National. As I am sure you are aware the residents of University Heights Neighborhood are very upset at the thought of this invasion into our historic neighborhood. This is unacceptable for a number of reasons. Among those I neglected to mention in my first email is the matter of traffic. I live on Stanford St and the problem of cars not associated with our neighborhood who use this street to avoid the backlog of traffic at the intersection of National and Sunshine is already a real problem. These cars not only travel down this residential street as if it were a thoroughfare but they literally gun their engines as if it is a racetrack. This endangers elderly residents, children and beloved pets. Do not exacerbate these issues by adding a commercial property at the corner. This is simply bad city planning. The other issue is that construction of a commercial building on any lot in the University Heights original plat is a violation of the contract and property rights of every single resident of University Heights. ***The deed restrictions require that anyone seeking to build commercial properties on these lots must acquire approval of every single lot owner in University Heights.***

Do not destroy this historic neighborhood.

Sara Garrett
Stanford St.

Note: Attending the recent meeting gave us an opportunity to express our feeling about this issue. However, there was no one available to answer any questions or provide us with a site plan that might give us an idea what is planned for this corner. Not the the developer, not a representative of the city, no one (although I understand that a member of city council was overheard saying he saw the site plan...seriously what are they hiding? This meeting was held in a tent, in a downpour, at a busy intersection. It was impossible to hear above the din. Then the generator went out and we did not even have a mic. We screamed through the rest of the meeting. Thank god there was armed private security there! Seriously? How insulting. We are neighbors not radicals. Do better!

From: [Dunbar Sheila](#)
To: Zoning@springfieldmo.gov
Subject: Rezoning in University Heights
Date: Thursday, August 18, 2022 8:01:00 PM

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

I am adamantly opposed to rezoning 1755 S National, 1745 S National, 1739 S National and 1138 University to commercial from residential. Per the community meeting on August 18, 2022, the developers, BK&M, LLC, failed to provide any detailed information on their plans except for indicating that they do not plan to keep, restore and reuse the existing homes.

Thank you,
Sheila M. Dunbar
932 E Kingsbury
Springfield 65807
210-842-5118

[Sent from Yahoo Mail for iPhone](#)

October 26, 2022

The Planning and Zoning Commission
840 N Boonville Ave – 1st Floor
Springfield, MO 65802

Re: Protest to Proposed Rezoning in University Heights Neighborhood by BK&M, LLC

Dear Planning and Zoning Representatives,

I am writing to strongly encourage you to deny the rezoning request referenced above for several lots in my neighborhood owned or controlled by BK&M, LLC. As I understand it, based on the criteria you use to evaluate such requests, please consider the following:

1. Rezoning of these lots in question does not follow guidance in the city's existing Comprehensive Plan or the proposed Forward SGF Plan. These plans designate University Heights as strictly Single Family Residential. The official classification is "Residential Neighborhood – Traditional" and residents should be afforded the protections of such a designation without the encroachment of commercial enterprises.
2. There are no changing conditions which would make rezoning necessary. University Heights is enjoying some of the highest property values in its almost 100 year history and maintains among the highest property values of neighborhoods in Springfield proper.
3. University Heights has always been residential and has not had commercial development within its borders.
4. Any removal of lawns, trees, and grass would threaten further flooding in an area which already battles such problems with regularity.
5. The impact of uses, were rezoning done, is estimated to increase traffic by more than 1,000 cars per day on East University Street, which is a quiet, interior residential street where children play and families walk and cycle. Traffic at National and Sunshine is consistently congested, with cars already beginning to use E University as a cut through. Residents on E University currently struggle to enter or leave the neighborhood from their street at certain times of day. Such an effect would spread into the neighborhood with increased pressure from added commercial traffic due to the proposed rezoning.
6. Property values are also threatened from the proposed rezoning throughout the neighborhood. Such a reduction harms residents directly and the city indirectly over time as valuations fall for homes and, ultimately, property tax receipts as a result.
7. Commercial properties within the neighborhood increase the likelihood of ballooning crime, especially if a back road or access ally were installed with an outlet on E University Street. Problems with loud commercial trash storage and pickup would also be a disturbance to many neighbors.

I strongly appeal to you to deny the request for rezoning to commercial use from BK&M, LLC involving the properties in question which fall within University Heights Neighborhood boundaries. Help us preserve one of the shining examples of an iconic and treasured city neighborhood.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Sheila M. Dunbar". The signature is written in dark ink and is positioned below the word "Sincerely,".

Sheila M. Dunbar
932 E Kingsbury Street
Springfield, MO 65807

From: [Shellie Foltz](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Monday, December 5, 2022 1:36:32 PM

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

I am Shellie Foltz. I live at 718 E. Portland St. in the University Heights neighborhood. I may be reached by phone at 417-886-0878.

I am writing out of great concern over and in opposition to the proposed rezoning of the properties located on the northwest corner of National and Sunshine reaching as far north as University.

Portland, as you may be aware, between Kimbrough and National, has no stop signs and no traffic calming features. Though, through the years, our neighborhood has requested help to slow traffic on our street, nothing has ever been done and traffic continues to use this section of Portland as an alternative route to traffic-laden Sunshine, and to travel at high speeds through the day and at night. The noise of speeding traffic has increased so that rarely a night goes by that we are not awakened by motorcycles and speeding cars passing our house. Whenever there is road construction, Portland becomes an unofficial quick way around it. The traffic on our north-south streets like Holland, Dollison, Hampton, and Kings picks up as well. This is particularly problematic because none of our north-south streets (excepting Holland) have sidewalks and this neighborhood is populated by walkers, runners, children, pets, and wildlife.

Additionally, in the late afternoons and early evenings, we must reroute to get out of or back into our neighborhood because traffic on National consistently backs up past Portland.

University Heights is a favorite neighborhood for use in the many organized runs hosted by various charitable organizations. We are frequently on the map for weekend events. Additionally, there are frequent and annual events our neighborhood hosts -- grassroots efforts among neighbors to bring us together as families and friends who share life together in this beautiful area. It is a busy neighborhood already abuzz with the kind of life that expresses what our city has recently unveiled in its Forward SGF plan, most succinctly expressed in its vision statement as its unifying principle: "improve quality of place".

My primary concern at this moment is that the city not permit a rezoning of that land from residential, thus increasing traffic as well as noise and the potential for crime in our neighborhood. To move ahead with a zoning change that will have not a passive and null effect, but a direct and negative impact on the residents adjacent, is not in the spirit of what this city is proposing moving forward to. Rather, it is a step away from it and a signal to the rest of Springfield that business takes precedence over quality of life.

Thank you for your consideration.

Sincerely,

Shellie Foltz

--

Shellie Foltz

"Life appears to me too short to be spent in nursing animosity or registering wrongs." — *Jane Eyre* by Charlotte Brontë

From: [sherry sherry](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 cod #220
Date: Monday, December 5, 2022 3:57:05 PM

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I strongly oppose the proposed rezoning at the corner of Sunshine & National. This does not benefit the Neighborhood, the city of Springfield, or the Citizens of Springfield. There is already too much traffic pressure on that intersection and poses additional safety challenges & danger to everyone concerned. Except the developers. Their intent is self-serving only to them & does not benefit our city in any way. Please vote in favor of the citizens that support you in the office of best interest to them, not greedy developers. Thank you
Sherry Wirth

From: [Steve Brooks](#)
To: Zoning@springfieldmo.gov
Subject: Proposed zoning change at the corner of National and Sunshine
Date: Tuesday, October 25, 2022 3:44:37 PM

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

I will have more to say about this issue later, as we get closer to the hearing, but I had a few thoughts after the neighborhood meeting that was held yesterday evening, organized by the developers. We had heard that the meeting needed to be at the site, even though most who read the rules thought it could have been at a nearby church, such as at the National Avenue Church, just a few blocks to the north. Instead, the attendees dealt with a pouring downpour, a poor sound system that failed, windy conditions, no rest rooms, and little parking. There was no ADA accessibility. I decided not to attend, as at the time I could go, the rain was forceful, and the tent was overflowing with people, as I saw from a live feed on Facebook. Why did the developers pay for two armed guards? That seems ridiculous.

And, what was the purpose of the meeting? They had no new plans, to share. They have bought 3 more properties, and did not offer a plan when they had the prior meeting when they owned 5 properties. The purpose seemed to get area neighbors more upset, as the meeting was being held at the site of the house they have torn down.

Many of us wonder about the vacant retail property, zoned commercial, 1 block to the east, at Fremont and National. A strip center sits vacant, the prior pool company building is overgrown with weeds, and a former restaurant sits vacant. Why would this company want to fight the battle at National and Sunshine (with so much traffic), when so much property is available a block away. If they succeed in the rezoning, will we soon have more vacant retail on this corner of National and Sunshine?

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

Steve Brooks
417 840-4446

From: [mikeandsusie1124](#)
To: Zoning@springfieldmo.gov
Subject: Sunshine and National rezoning
Date: Wednesday, October 26, 2022 11:34:38 AM

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I writing to defend the people living in the University Heights neighborhood. I have huge objections to rezoning that unique and beautiful area. It's neighborhoods like that that make us love Springfield, and tearing down homes and putting businesses there which cause traffic and all kinds of problems is so wrong. It's happening all over Springfield. Quality of life is everything and that area should be cherished.

Thank you,
Susie Wilson

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

From: [Teresa Pope](#)
To: Zoning@springfieldmo.gov
Subject: Sunshine and National
Date: Saturday, October 22, 2022 11:15:35 AM

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Project address: Northwest corner of Sunshine and National

I strongly believe that these properties must remain zoned as residential, probably single family. Traffic at this corner is already problematic, and the Cox clinic will certainly add significantly to that when it opens. The use of the property proposed by BK&M, LLC would add further traffic to the intersection and cause drivers to use residential streets in the neighborhood. Please do not change the zoning to commercial. Thank you.

Teresa Pope
1526 E. Portland, 65804
417-316-3900

Sent from my iPhone

From: [Tracey Anand](#)
To: Zoning@springfieldmo.gov; [Jan Peterson](#)
Subject: Proposed Zoning in University Heights
Date: Tuesday, October 25, 2022 8:19:41 PM

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I am opposed to the rezoning of the requested portion of University Heights... and more specifically this investor/group, BK&M.

I have owned a home in University Heights (I now live just adjacent in Phelps Grove), and I also still own an investment/rental property in University Heights. My husband and I love this neighborhood so much that we wanted to have a long-term investment. We bought our property which had come under significant disrepair as well as being outdated, and we did a complete remodel, investing in the neighborhood. I would have never considered buying up home after home with the express purpose of bulldozing an entire street to create unneeded commercial space. It seems this is also antithetical to Springfield's own Restore SGF plan.
<https://www.restoresgf.com/about/>

I really appreciate the way the city of Springfield is making such great strides to update and beautify our city. I love the Springfield Art Museum project, the Grant Avenue project, the connectivity, walking trails, etc. The one item that stands out to me that I have heard repeatedly with all these city projects is "a sense of place". Those big, historic homes on the corner National and Sunshine provided generations of Springfieldians, well beyond the boundaries of our neighborhood, a sense of place. It isn't too late to save what remains.

There are other vacant, commercially zoned, busy intersections in Springfield available for development where no historic homes need to be destroyed. The first couple that come to mind are the intersections of Sunshine and Kansas Expressway, another at Battlefield and Lone Pine.

I am specifically opposed to this investor/group. While there has been some bad press about some city resident... these folks have been abrasive, evasive, and even combative with the neighbors. Mr. Duda isn't asking or working with the neighborhood and is really acting like he is only going through the motions and already has this project green-lighted. I work in law enforcement and the ARMED security guards was an absolutely disgusting show of intimidation.

Thank you for taking my comments for consideration.

Tracey Anand

From: [Tyler Samuel](#)
To: Zoning@springfieldmo.gov
Cc: [Whitman, Randall](#); [Simpson, Matthew](#)
Subject: National and Sunshine Rezoning Issue
Date: Wednesday, September 21, 2022 10:54:40 AM
Attachments: [UHNA rezoning letter - Tyler Samuel P&Z.pdf](#)

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Springfield Planning and Zoning Commission members,

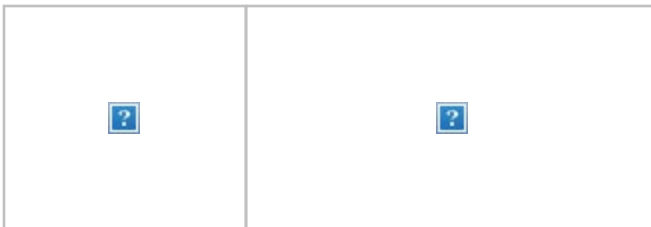
Please take just a few minutes to review and consider the attached letter regarding the rezoning effort of the homes at National Ave and Sunshine St (1739 S. National Ave, 1745 S. National Ave, 1755 S. National Ave, and 1138 E. University St.). I am a resident of University Heights and own one of the few houses located directly on National (1715 S. National Ave).

At this time, I oppose the demolition and rezoning efforts of the developer for the reasons included in the attached. Thank you for your time!

Regards,

Tyler Samuel 

Engineer (Management of Change), Power Production
Direct Office: 417.371.5292 Mobile: 417.773.8474 Fax: 417.371.5394



Associated Electric Cooperative, Inc.
2814 S. Golden, P.O. Box 754
Springfield, MO 65801
417.881.1204

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Tyler D. Samuel
1715 S. National Ave
Springfield, MO 65804

September 20, 2022

Dear Springfield Planning & Zoning Commission:

My name is Tyler Samuel, and for over a year now I have resided at 1715 South National Avenue – in a beautifully-renovated, historic home (built in 1937, renovated in 2016) located within the block immediately north of the proposed redevelopment area at National Ave and Sunshine. While I have only lived in the University Heights neighborhood for a short time, I was born and raised just east of Springfield (outside of Rogersville), and I consider myself a Springfield native. As a 29-year-old Engineer, employed at Associated Electric Cooperative, Inc., I am inclined to believe that I represent a unique demographic within the University Heights Neighborhood – that of a single, young professional who desires to continue to live and one day raise a family within this historic neighborhood. I also represent a unique perspective in that I own one of the few houses within the University Heights Neighborhood situated on, and with direct access only from National Avenue – a characteristic cited by the developer as a reason that “no one wants to live in these [the proposed rezoning] houses.”

Firstly, I would like to apologize for the antics and vitriol displayed by some of my University Heights neighbors during this time of uncertainty and adversity. The inability to hold a civil discussion with developers and the use of derogatory and insulting language at the neighborhood meeting in August was completely uncalled-for, out-of-line, and is not representative of the character and spirit of the University Heights neighborhood. I equally would like to apologize for the general disorganization and unpreparedness of the University Heights Neighborhood Association (UHNA) leading up to this redevelopment effort. Both infractions have contributed to a chaotic and adversarial series of events since the developers (BK&M LLC) stated their intention to rezone the four-lot area at the northwest corner of Sunshine St. and National Ave. Unfortunately, this has largely prevented a constructive, civil dialogue concerning the future of the slated property. Even so, my proposition is that a poor response by the neighboring community should not be grounds for advancement of BK&M’s hap-hazard, unwarranted, and demonstrably poorly planned effort to rezone and/or demolish the iconic, historic homes located at 1739 S. National Ave, 1745 S. National Ave, 1755 S. National Ave, and 1138 E. University St.

I personally attended the August 18th neighborhood meeting with an open mind, desiring to hear what the developers planned to do with the area, if rezoned. It quickly became clear that the developers and engineering firm had brought no such plan to the discussion – no mock-ups, concepts, drawings, infrastructure plans, interested businesses, etc. The subsequent two-hour meeting accomplished little beyond raising the tempers of many in the room. Even amidst the confusion and outrage of the community members in attendance, the developers made clear their intention to move forward with the rezoning request as early as October of this year – without a clear plan in place. As neighborhoods across this city have experienced, allowing for rezoning of the area in question to General Retail without a plan in place is tantamount to handing the developer a blank check. Given the lack of relevant development

experience and adversarial nature of the primary developer, Ralph Duda III of BK&M, I believe that granting the rezoning of this land *at this point in time, to this developer*, would be a grave mistake for the character and cultural fabric of the University Heights Neighborhood and Springfield, at large.

In addition to the lack of a clear and concise plan, I noted several other issues with the development effort during the neighborhood meeting that bear mentioning. The developer repeatedly used the point that the corner house (at 1755 S. National Ave) has been vacant for 6 years as reasoning to why the land should be redeveloped. While I am not intimately familiar with the listing history of that house, it appears to me that the home was listed for an extended period of time with a commercial realtor - not a residential realtor - despite the fact that the property is clearly still zoned as residential. This flimsy argument by Mr. Duda should be regarded as such.

Mr. Duda also repeatedly claimed that no one wanted to live in the houses being proposed for rezoning, citing as evidence the recent vacation of the halfway house, operating at 1745 S. National Ave. To this argument I will partially concede, with a caveat – no one wants to live in these houses *in their current condition*. Again, I offer a unique perspective in that I live less than 150 feet north of the area in question with the only access to my property being National Ave. Certainly, traffic and noise can be periodic issues on National Ave, but it is not a challenge that I would classify as greatly or even mildly affecting my day-to-day life. The bigger issue at hand within this argument centers around the condition of the homes. The homes at 1739 S. National Ave and 1138 E. University St have been well-cared-for, have both recently been transacted in the marketplace, and would be marketable with few or no improvements. In fact, per Mr. Duda, both houses are planned to be used as rental properties (ST and/or LT) while awaiting rezoning. The houses at 1745 and 1755 S. National Ave, however, have been allowed to deteriorate into various states of disrepair by their owners. This is an unfortunate reality and does happen with many older homes, but it should not be lost on the council and committee that Mr. Duda is the current owner who has allowed these properties to become, as he has stated, ‘an eye sore’. It should also not be lost on the council and committee that Mr. Duda presumably stands to gain financially from the rezoning of these lots and as such, has an interest in their deterioration – an interest oppositional to that which a primary residence homeowner would hold.

Once again, I will remind you that an individual previously purchased my home, built in 1937, at 1715 S. National and then thoughtfully and tastefully modernized it for livability while keeping the original charm and character intact. I say this as an encouragement and as a witness to Mr. Duda, the council, and committee that it is possible for these historic University Heights homes to be retained as single-family residences, even now. It is a home (located directly on National Ave) that I am proud to live in and that I view as integral to the character of University Heights, National Ave, and central Springfield. I would be happy to show my home to Mr. Duda as an example of what can be accomplished to cultivate modern livability while retaining classic charm, even on one of Springfield’s busiest streets. However, the character of the neighborhood in which I chose to purchase my home - a neighborhood that is a crown jewel of Springfield, enjoyed by many who travel National Ave each day – is at risk at the hands of Mr. Duda and BK&M LLC.

As for the needs of our city, and whether this rezoning is in the best interest of Springfield, one does not have to travel more than a few hundred feet east, west, or south of the proposed rezoning area to find empty and/or derelict retail space. The new development at the northeast corner of Sunshine and National was beautifully constructed but has had continual issues finding and keeping retail tenants since

its completion. Furthermore, there are many instances of available and/or deteriorating retail space on Glenstone and Campbell – both streets serving as solemn reminders of the impact of lining major surface corridors with soulless strip malls and retail. Campbell and Glenstone retail areas certainly serve their purpose, and are largely beneficial to city, but they are not beautiful, nor do they add to the character and culture of our city. If the council and committee believe more retail is needed, I would encourage them to take a look at the retail that is already available and being un- or underutilized or look to truly blighted areas where this can be accomplished. Does the city of Springfield desire our most beautiful major city corridor (National Ave) to be stripped of its historic character so that another strip mall can be added?

The last major concern I will address centers around the Forward SGF initiative. Mr. Duda, when asked about the impact of his rezoning effort with regard to the Forward SGF Plan, had no idea that such a plan existed and is in the process of ratification. Forward SGF protects University Heights, in its entirety, as a residential area for the effective period of the Plan. Firstly, it is concerning to me that the primary developer who takes no issue with demolishing historic structures within a historic neighborhood can be so out-of-touch with the city that he is impacting to be unaware of such a comprehensive, community-engaging effort as Forward SGF. Setting that issue aside, the timing of this rezoning request in relation to the Forward SGF ratification bears consideration. The rezoning decision should be halted pending the Forward SGF adoption and adoption of the resulting policies. The Forward SGF plan was developed by countless members of the Springfield community and should not be stepped over, discounted, or ignored by the actions of one eager developer.

Please carefully consider the impacts of allowing Mr. Duda and BK&M LLC to demolish and rezone the properties at National Ave and Sunshine. Regardless of their current condition, these homes are historic, iconic, and once they are gone, there's no bringing them back. Mr. Duda's adversarial and prideful temperament, lack of proper planning and coordination with the neighborhood, and lack of awareness of major community efforts, such as Forward SGF, should disqualify him from the ability to disturb such a sensitive, historic, and important location that is held dear to the University Heights neighborhood and Springfield, as a whole. Thank you for your time and consideration.

Regards,

Tyler Samuel

tsamuel@aeci.org

(417) 773-8474



University Heights Neighborhood Association
Member, City of Springfield Neighborhood Advisory Council

To: Susan Istenes, Brendan Griesemer, Bob Hosmer and Tim Rosenbury, City of Springfield; Planning and Zoning Commission; and City Council

From: Jan Peterson, president, University Heights Neighborhood Association

Re: Rezoning request at Sunshine Street and National Avenue

Date: Aug. 29, 2022

Greetings, all.

University Heights Neighborhood Association board members have heard about discussions at the recent planning and zoning workshop. I am writing to request that the city pursue an administrative pause in processing rezoning requests along our corridors until the city and UHNA's board have the opportunity to discuss and implement a neighborhood plan as part of the city's comprehensive plan.

It is not hyperbole to say the rezoning request is an existential threat to our neighborhood. What we are asking for is the same opportunity afforded other historic neighborhoods in mapping out their visions for the future. We first reached out to the city regarding a neighborhood plan in the fall of 2019. We were told at the time city staff was too busy with Forward SGF, the Grant Avenue Parkway plan, Restore SGF and other initiatives to chat. We understood and planned to get back with the city about the subject, but Covid hit. Now that the city is finalizing Forward SGF and our neighborhood is threatened, we ask the city to find the time to work with us to preserve this gem of a neighborhood.

Developers will tell you no one wants to live at 1755 S. National Ave., in the big white house that has been the source of controversy over the years. But that isn't true. I recently heard from a couple who lived in it just four years ago. They loved it so much they tried to buy it. Ultimately, they couldn't because the previous owner would not negotiate on price, which was above residential market value. That put lenders out of reach of any would-be homeowner who wanted to live there. The couple who owned the house next door to the north also loved their home. They sold out of necessity, not because they wanted to escape noise or traffic. The home north of it was owned by two generations of the same family for more than 40 years. Again, the owner sold out of necessity. The home just across the street, on the north side of University at National, is under contract after being on the market for a fairly short time at an asking price of nearly \$700,000. Our homes are so solidly built, urban noise is only an issue if you're outside. The fact is, despite the traffic, these homes remain in demand.

Homes elsewhere in our neighborhood sell within hours, if they ever hit the market. We have neighbors who have lived in several different homes within University Heights. People who live here do so intentionally. They love living in a historic center-city neighborhood so close to the places they work, study and play. This is an active neighborhood. Many of our neighbors walk or bike to their jobs at Missouri State University, Bass Pro Shops, Mercy or their offices downtown. Our neighbors enjoy the easy access we have to our parks and trail system. A photo of University Street a half block from the

proposed rezoning is used to illustrate the "Beautify Neighborhoods" section in Forward SGF. Another is used on page 64 to illustrate "Expand Housing Programs."

Our neighborhood enjoys a rich diversity of architectural styles, people and home sizes. We have had plumbers and fire equipment salesmen living next door to university presidents and professors, hospitality industry workers and computer programmers. Our homes vary greatly in size and price, but they are all very well built and have among the highest assessed values in the city.

Our neighbors living in our historic central neighborhoods fuel the economic engine that makes downtown and Commercial Street hum. We buy our coffee there, shop there and dine there. If the rezoning request is allowed to proceed as planned, I fear the fallout not only for our neighborhood but for the center-city businesses our neighbors support if redevelopment pushes us to the suburbs.

As the new comprehensive plan goes into place, it seems like a great time to collectively take a deep breath and decide what we want for this city. The homes included in BK&M's rezoning request are icons of the Springfield landscape. Every out-of-town visitor who enters Springfield from Sunshine and U.S. 65 to visit Mercy, Bass Pro Shops or other destinations pass by them. They put Springfield's beauty front and center. Putting a Bear Town or Kum & Go in that location couldn't possibly do a better job of selling visitors on what we have to offer. It also would not align with either Vision 20/20 or Forward SGF plans as the area is clearly zoned R-SF on zoning maps.

Now, about the traffic: At certain times of day, traffic on southbound National stacks up north to Portland and beyond. If there's an accident, it pushes traffic even farther north. The stacking problem at Sunshine and Campbell is already legendary. Putting in yet another commercial space at Sunshine and National would only exacerbate the problem. Our neighborhood is already concerned about what the addition of traffic at the new Cox clinic is going to do it. We've learned to migrate around the congestion, but don't want any additional traffic speeding down Portland or cutting down University.

Other cities have found ways to preserve beautiful historic homes while addressing traffic concerns. I can't help but wonder what the traffic count on Lindell Boulevard at Forest Park in St. Louis is. Their grand homes remain standing. Our board would love to partner with the city to find creative solutions to our problems.

We feel an administrative pause would give us a chance to come up with a sustainable plan for University Heights. We can't fight off or buy out every developer who shows up on our doorstep. We need a permanent solution. We need a neighborhood plan in place to protect the historical character and architectural integrity of our neighborhood. If we don't achieve that and those homes are razed, it will severely destabilize this neighborhood.

We don't need revitalization. We need protection.

We urge you to hit pause.

Sincerely,



Jan Peterson



University Heights Neighborhood Association
Member, City of Springfield Neighborhood Advisory Council

Public statement
Sept. 23, 2022

All,

The University Heights Neighborhood Association (UHNA) realizes recent events and discussions surrounding the rezoning case at National and Sunshine may be confusing and reflecting negatively on the neighborhood and community. We want to reiterate our position on the rezoning case and clarify our stance.

UHNA is opposed to the request to rezone the properties at National and Sunshine to General Retail. General Retail is the most intense commercial use and offers no assurances for compatibility with surrounding neighborhood uses or character and would have a negative impact on the surrounding properties for reasons including creating further traffic issues at an already challenging location.

Each zoning case is unique, and UHNA takes these matters very seriously. We work diligently to educate ourselves on the facts of each case and applicable processes and procedures so we can react with well-informed, thoughtful responses.

UHNA continues to work to maintain our vision to “be a destination residence for those who seek the benefits of center-city living in a historic neighborhood.” We believe respectful and productive discourse between all parties is a must. We will not tolerate or condone inappropriate actions, insults, threats, trespassing or vandalism of any kind. We support everyone’s right to their opinion and strive to create an environment for civil discourse between all parties.

We maintain a willingness to work with all residents, developers and the city to find a productive path forward for our neighborhood and surrounding corridors.

We respect the city’s processes and procedures for planning and zoning and support the creation and implementation of the Forward SGF comprehensive plan.

Previous rezoning cases for one of the properties in question occurred prior to UHNA being recognized by the city as an organized neighborhood association.

Over the last few weeks, actions taken by a few individual neighbors have taken the spotlight, reflecting poorly upon the neighborhood and jeopardizing the ability of all parties involved to have productive conversations about the issues at hand.

A group of University Heights neighbors has been distributing materials and petitions and holding meetings to address the zoning issue. While we respect their passion to oppose the rezoning request, we need to clarify that these individuals do not officially represent all UHNA members and neighbors surrounding the properties affected by the zoning request.

Additionally, a UHNA member has filed a lawsuit against the UHNA Board of Directors to obtain the UHNA membership database. The time and energy spent addressing the lawsuit would have been much better served focusing on the rezoning case.

UHNA has worked with city officials throughout the Forward SGF planning process and has discussed the possibility of creating a neighborhood corridor plan to help address zoning pressures along National and Sunshine. The planning department has been very receptive but has not been able to assist in specific planning efforts for this area to this date. The Forward SGF plan will not be able to directly address our concerns with the form and place-based zoning regulations for some time.

Community involvement is critical to our planning and zoning process, and we ask for cooperation for all parties to help us set a healthy and productive path forward.

- University Heights Neighborhood Association Board of Directors

From: [Vicki Craig](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Monday, December 5, 2022 9:29:50 AM

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

Dear Planning and Zoning Commission,

We respectfully urge you to not rezone the University Heights neighborhood from residential homes to include businesses. There are so many reasons for our request, but we will focus on two main issues.

First and foremost, our neighborhood is a high pedestrian area. There are so many neighbors out walking their children in strollers or on bikes, not to mention walking their dogs. Some of the pedestrians have a disability. Some use wheelchairs or other mobility devices. My husband is totally blind and walks at least three miles a day in the neighborhood. He walks to and from work at MSU. It's already a dangerous situation for him. He has had his cane hit out in the middle of National after a negligent driver did not stop at an intersection. There are accidents weekly at Portland and National. I KNOW because I hear the crash and go running out my home to give assistance as I call 911. We've lived here for 28 years. Please please don't add to this traffic congestion that is already bad enough.

Secondly, the beauty of our very old homes would be diminished. One home has already been torn down that should have been preserved. Many of our homes are almost 100 years old. These single dwelling homes in this neighborhood are extremely well kept and we have spent a lot of money, time and love in the upkeep of these homes.

Please vote no on rezoning and SAVE OUR HOMES,

Dr and Mrs Chris Craig
1613 S. National Ave
Springfield, MO. 65804

Sent from my iPhone

From: Vanda Chism <vandachism@gmail.com>
Sent: Thursday, October 6, 2022 11:55 AM
To: Griesemer, Brendan <bgriesemer@springfieldmo.gov>
Subject: Strip Mall Development at Sunshine and National

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I'm not sure this is the place to express my concern and disappointment but I'm giving it a try.

It is very upsetting to see another area being torn down all in the name of progress. The west corner at Sunshine and National is a very busy intersection without adding another strip mall. The area behind the proposed mall is a well established and family oriented community. It has lots of architectural history which needs to be preserved and respected. Everytime I drive down University Street there are numerous people walking, riding bikes and jogging down the sidewalks, The neighborhood hugs me when I turn off National. It says welcome. The strip mall will ruin that feeling with more traffic and noise. There is a strip mall on the east corner of National and Sunshine that is hard to get into and is not even full of occupants. I'm also afraid that more congestion in that area will slow down response time to Mercy Hospital. It's challenging enough now to move out of the way of arriving ambulances.

I don't pretend to understand what all goes into planning and zoning, but I do understand the feeling of community. I do understand what it feels like to come home after a long day at work and to be in my own personal sanctuary, where I can restore my mental being, reconnect with my family, friends and neighbors and rest.

Please protect this community. Don't let the destruction of more homes continue. Don't let another strip mall be built.

Thank you

Vanda Chism

From: [Warren Gene Campbell](#)
To: Zoning@springfieldmo.gov; [Council](#)
Subject: Zoning
Date: Tuesday, August 30, 2022 1:21:37 PM

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Just a quick note from a neighbor of the parcel at Sunshine and National under rezoning consideration: DON'T ZONE IT COMMERCIAL/ DON'T ALLOW ANY BUSINESS THERE. That intersection is clogged enough with a strip mall (NE corner), Hospital (SE corner) and Cox building (SW corner). I realize the developer's intentions are good but right idea/wrong location. Thanks for your considerations. Please pass these comments along to the decision makers.

Rev. Dr. Warren Gene Campbell, HR
417.737.0138
1221 East Minota Street, 65804
Member Delaware Neighborhood Association (past VP)

From: [Maggie Castrey](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Friday, December 9, 2022 11:39:21 AM

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Dear Planning and Zoning commissioners,

I live in the University Heights neighborhood and oppose application Z-27-2022 COD #220 to rezone some areas to general retail. I do not categorically oppose development in the neighborhood but feel the current complex proposal is inappropriate and will damage the integrity, quality of life, safety, and property values of the entire neighborhood. The introduction of large-scale restaurants and a six-story apartment building would impact a large surrounding area.

If the development of safe, healthy, and friendly neighborhoods is a city goal, this rezoning application is already degrading our neighborhood on all three counts. Furthermore, the developer's offer to sell the properties back to the neighborhood provided he can realize \$1 million profit, bears the earmarks of an extortionist con game, not a good-faith effort to develop our city.

I request that Planning and Zoning reject application Z-27-2022 COD #220.

In addition, I believe the city needs time to develop guidance for P&Z and City Council to develop corridor plans and implement the new Forward SGF comprehensive plan. To prevent a rush of rezoning requests trying to get ahead of the new zoning structure, **I request that the city put in place a moratorium on rezoning changes** in our neighborhood of at least one year while the new codes and regulations are developed.

Thank you for your voluntary service on this important commission.

Respectfully,

Margaret Castrey

1006b E Linwood Drive
Springfield, MO 65807

From: [Martha](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Friday, December 9, 2022 11:05:01 AM
Importance: High

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

As a fifty (50) year resident, living at 1046 East University, may I please express a complete lack of understanding how a zoning change to general retail could even be considered for one of the most beautiful, well kept residential areas of Springfield, Missouri. Additionally, prior to living at my home for fifty consecutive years as of August, 2022, I previously lived at 1703 South National for several years in this very lovely residential area, University Heights.

It is quite evident, just driving in University Heights that each owner cares very much about their property and this lovely, historic, residential area. The traffic congestion not only at the corner of Sunshine and National, but north and south on National and east and west on Sunshine already prohibits easy entrance from a side street the majority of the day, particularly on south National. Thankfully, the Brookside/Bennett stoplight is now available again. Why would the city want to add additional traffic on an already overloaded major intersection?

The better question is actually: why would the City of Springfield allow any part of one of the most beautiful, well kept historic areas of our city to be turned into general retail? Why?

I beg City Council to *not* approve the zoning request and allow the residents of University Heights to continue to maintain one of the most beautiful, historic areas in Springfield, Missouri as residential only.

Martha J. Pickering
1046 East University
Springfield, Missouri 65807-2069
mjl776@mchsi.com
417.886.1776

From: [Lindsay Thieman Tobin](#)
To: Zoning@springfieldmo.gov
Subject: Opposition to Application for Zoning Map Amendment for BK&M
Date: Monday, December 12, 2022 11:57:27 AM

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

I am a resident of the University Heights neighborhood in Springfield, Missouri, and live within the area bordered by Bennett/Brookside St., National Ave., Sunshine St. and Campbell Ave. I oppose the application to rezone neighborhood properties to General Retail (Z-27-2022 COD #220 and subsequent variations).

Lindsay Tobin
1559 S Jefferson Ave, Springfield, MO 65807

Traffic/safety, sense of place, and quality of life are my main concerns. Vehicular traffic cuts through University Heights in order to avoid National and Sunshine. I can't imagine how much it would increase with retail placed in the neighborhood.

My son attends Sunshine Elementary. I walk him to school everyday since we live close enough. The bus routes were reduced due to lack of drivers so there has been increased vehicular traffic to the area as well as pedestrian traffic. At times it is dangerous to walk. People speed through the streets. I have watched several cars fly through stop signs. There are no crosswalks or traffic calming methods in the area. I have asked the city for help (I suggested a traffic study) but nothing has been done (my case was closed). If the zoning is approved for BK&M the problem will only worsen.

I love my neighborhood because it is center city Springfield, there are beautiful historic non-cookie cutter homes, and has residents of varying economic backgrounds. Neighborhoods such as mine should be celebrated and protected. Not demolished. Ralph Duda has said he wouldn't have his family live in center city (but he wants others to live in his apartments??). Of all the things he has said, that one hurt the most. If he wouldn't live here then he shouldn't be allowed to build here. He has shown he has his own agenda in creating a strip center with apartments - not one for the betterment of the community. He bulldozed a home that has been around for generations only to prove a point- he didn't have the zoning permit to build his strip center, why did he feel the need to bulldoze right away? His disregard for the neighborhood was made evident. None of the materials from the home were salvaged - so much could have been repurposed and reused. But no, he bulldozed and then trashed the scraps.

Please do not allow this area to be rezoned. There are plenty of vacant strip centers (including one directly across the street). Springfield does not need another one. It doesn't need a 'high end apartment complex'. We need to preserve and protect one of the few remaining historic and economically accessible neighborhoods in the city.

Thank you for your time and consideration. If you have further questions I can be reached at (720)404-3056 or via email at lindsaythieman@gmail.com.

Sincerely,
Lindsay Tobin

Opposition to Application for Zoning Map Amendment

I am a resident of the University Heights neighborhood in Springfield, Missouri, and live within the area bordered by Bennett/Brookside St., National Ave., Sunshine St. and Campbell Ave. I oppose the application to rezone neighborhood properties to General Retail (Z-27-2022 COD #220 and subsequent variations).

Name: Jan Schreiber

Address: 1521 S Virginia Ave

Jan Schreiber
12/12/22

From: [Shelley Wolbrink](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Sunday, December 11, 2022 10:08:50 PM

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

I write to condemn the actions of BKM in the last four months and the stressors that have inundated our neighborhood. As university professionals we purchased a historic home in the center of University Heights because of its value to the community. Our deed says that NO COMMERCIAL DEVELOPMENTS WILL BE BUILT IN UNIVERSITY HEIGHTS. It was an attractive offer to purchase this home, that would never be zone commercial, and we moved in.

When purchasing our house in 1998, ONLY ONE CORNER OF SUNSHINE AND NATIONAL was developed. One corner was a grassy field, two corners had beautiful homes with large evergreens. Only St. John's Hospital invited the space. Still, it was the third busiest corner in Missouri with substantial traffic and accidents. Still, as one drove by you largely saw neighborhood. Unfortunately, the last two years have not been kind to the corner. It has emerged as just another shopping mall eyesore – now with a Hurt's donuts smell and a total teardown of two historic homes on the other corners. It's ugly and desolate.

Our neighborhood is in the center of the city. It is currently not immune to noise. We can hear loud cars racing on Sunshine for instance, or ambulances (as I am writing, there is currently a car racing on Sunshine! LOL). I can't imagine the noise pollution that would emerge with a 4-6 tall story complex with eateries, lights, and flash.

Our historic neighborhood risks destruction. The entire point of SGF Forward is to encourage historic neighborhoods to foster city growth. We have now a number of young families living in the neighborhood. Congestion will be a problem.

Finally, the proposed structure is hugely out of Proportion for City and neighborhood.

I do not support any zoning at any time on this corner. I support the law suits vs. BKM. The city voted on the Lone Pine issue and showed what it wants.

I appreciate your time.

Shelley Wolbrink

From: [Norma D. Capeci](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2022 COD #220
Date: Saturday, December 10, 2022 8:13:32 PM

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

ADDENDUM TO E-MAIL

I strongly reiterate my objection to the proposed rezoning of the entire northwest corner of National and Sunshine, the entrance to University Heights, from single family residential to commercial.

The past three months have finally given residents more clarity to the massive scope of this project and its destructive effect on our neighborhood.

It is unclear, however, as to which of the city's comprehensive plans, Vision 20/20 and Forward SGF, is applicable to this plan. What is clear is that the project is inconsistent with either plan. For that reason alone, this proposal should be not be permitted.

Vision 20/20 states that "older, established areas are vital to the overall integrity of the community". "It is not necessary to line every stretch of arterial frontage with commercial or multi-family development". Further, "allowing some low-density neighborhoods along arterial roads is both necessary and desirable". (Vision 20/20 pp 128 and 139)

Likewise, Springfield SGF gives University Heights the status of Traditional Single Family Residential. Forward SGF "centers on the concept of...maintaining unique and quality places that will be essential to the Springfield community's long term health and prosperity". Placetypes assignments reflect "existing development patterns", which takes historical value into consideration. University Heights is this kind of neighborhood.

This project is massive in scope. There are 275 homes in University Heights. If 66 units of lofts were stacked on just 9 lots, that would be 24% of the houses in the neighborhood. This is equivalent to the number of homes on both sides of just one block. This is high density, contrary to both comprehensive plans

The 5-6 story structure would be the second highest on Sunshine and would be incompatible with the present skyline.

The new building under construction on the corner of Fremont and Battlefield is smaller than this project, but it gives the one the idea of how massive this proposed structure would be. This project is not suitable for this space. It is like trying to force a square peg into a round hole.

This project would be destructive to our neighborhood. With retail on ground floor and lofts above, the structure would negatively impact our neighborhood with water runoff, increased traffic, crime, personal safety, noise pollution, air pollution, pests, privacy, declined property values.

As a destination neighborhood, University Heights commands the highest price per square foot, at \$163, than any other part of the city. University Heights should remain a Single Family Residential neighborhood, even on the periphery.

Please vote NO on this proposed rezoning issue.

Thank you for your consideration of my objections.

Norma D. Capeci
900 E. Kingsbury St.
417-883-3379

Mark G. Boyer

1140 E. Stanford St.
Springfield, MO 65807-2058

(417) 887-4811

boyer50@mediacombb.net

March 27, 2022

Mr. Bob Hosmer
Planning and Zoning Commission
840 N Boonville Ave.
Springfield, MO 65802

Dear Mr. Hosemer and All Members of the Planning and Zoning Commission:

I wish to comment on the BK& M proposal to change the zoning on the northwest corner of Sunshine and National (specifically 1141, 1133, 1119, and 111 Sunshine; 1138 University St.; and 1755, 1745, and 1739 National Ave.) in the University Heights Neighborhood.

To my knowledge, no traffic study has been done to assess the number of additional cars locating a business on the northwest corner of Sunshine and National would bring to the intersection. At peak times, cars are lined up on National for four blocks across the intersections of University, Stanford, Kingsbury, Portland, and often beyond. A business on the corner of Sunshine and National would turn the neighborhood street of University into a main artery. Already, many cars cut through University, Stanford, Kingsbury, and Portland to avoid the light at National and Sunshine, if they are intending to make a right turn onto Sunshine. And those who do that speed through the neighborhood streets with no police around to give tickets! A business on the corner of Sunshine and National would only increase the traffic on and through neighborhood streets.

A neighborhood is where people live, not where businesses are located. Businesses are located in business districts. Neighborhoods should be kept neighborhoods. Business space is available on the northeast corner of National and Sunshine, and that business strip has been open for several years already. It is very difficult to get to those businesses and very difficult to get out of those businesses, and the same bottle neck will be created if businesses are allowed to occupy the northwest corner of Sunshine and National.

University Heights Neighborhood contains some of the oldest houses in Springfield. I live in one built in 1918 before the neighborhood was founded in 1925. While in principle I am not opposed to the development of businesses, I am opposed to the destruction of old neighborhoods. Once it begins, there is no end to how much will be lost block by block. Part of a city's grandeur is appreciating and preserving its heritage in old buildings. There is an integrity to an old building

that needs to be preserved. In University Heights there are no cookie cutter houses; every home is different and needs to be preserved.

Property values throughout the neighborhood will drop if businesses begin to be added; no one wants to live next to or near a business; no one will want to buy a house next to or near a business; there is enough noise on National and Sunshine without adding more traffic. People who live in University Heights Neighborhood do not want a business in their neighborhood. They have expressed this several times in the past and several times more recently. How loud do they need to shout before they are heard by the people they elected to hear and serve them? Is the Planning and Zoning Commission going to listen to them? They have lived in the neighborhood long before someone wanted to build a business there. Would YOU want a business removing houses and increasing traffic and noise going into your neighborhood?

Please do not rezone the northwest corner of Sunshine and National for business purposes on April 6. Please do not grant any more requests to have homes demolished in the University Heights Neighborhood. Please keep the neighborhood intact.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark G. Boyer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark G. Boyer

From: [Munde, Alan](#)
To: Zoning@springfieldmo.gov
Subject: National and Sunshine
Date: Saturday, April 1, 2023 9:54:13 AM

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

Dear Springfield City Council, Planning and Zoning Board, and Staff,

I am writing in opposition to the proposed, and staff approved rezoning of the two and one half acres of residential homes at the corner of National and Sunshine. I have written several times before after reading of developments in the situation, and my opposition is still firm. You ask our neighborhood for a plan. There is a plan that has been in place for many, many years. The neighborhood is zoned residential, single family housing. That is a the plan, and has been a good one all these years and sould continue to be. Please do not rezone this area.

Respectfully, Alan Munde

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



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B. JACOB HASKINS

COLBY R. HALL

¹ ALSO ADMITTED IN ARKANSAS

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WEB

www.lowtherjohnson.com

April 3, 2023

Sent Via Email: awerland@springfieldmo.gov

Planning & Zoning Commission
c/o Amy Werland
Department of Planning & Development
840 Boonville Avenue
Springfield, MO 65802

RE: **Zoning Hearing on Matter # Z-27-2022 w/COD #220**
Set for April 6, 2023 at 6:30 pm
Matter ID 37559-000

Dear Ms. Werland:

I represent 22 individuals representing 13 lots in the University Heights neighborhood. I am writing on behalf of those concerned citizens with respect to the meeting on Thursday, April 6th. The meeting is to commence at 6:30 pm. Due to the high number of participants who had signed up at the previous meetings, it appears that there will be a large number of people seeking to speak at this meeting. It would seem to be a situation where the Planning & Zoning Commission would bifurcate the hearing so that it is held on multiple nights to ensure that all citizens have a chance to speak with respect to the matter as opposed to limiting the speaking period. Also, due to the capacity limits of the City Hall Chambers, it would benefit all the parties if this could be heard on multiple evenings.

In addition, the Staff Report was not issued until Friday afternoon, reducing the normal seven (7) day period for review and comment. Based upon that, it would seem logical for the Commission to hold public hearings on two nights.

I am enclosing a copy of Helicopter Safety Standards so that the Planning & Zoning Commission can ensure that there is ready access to the hospital helipad at St. Johns.

Lastly, both the Staff Report with the additional conditions, and the traffic study submitted by BK&M, have indicated that impact would be minimal. It is hard to believe that changing from eight (8) single family residences to a multiuse facility with 117 parking spaces and limited access would not impact traffic at the busiest intersection in the city. Based upon that, my clients have requested that the traffic engineer and Public Works Department be present so that questions can be elicited with respect to an explanation on the traffic impact. While we recognize that the development department has indicated that if there are any changes in traffic counts, that the traffic study may need to be redone, it seems impractical and illogical to believe that there is minimal traffic impact with the use

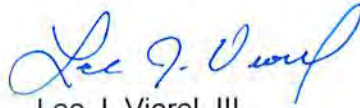
Page 2
Amy Werland
Department of Planning & Development

intensity growing from eight (8) single family lots to one lot with 117 parking spaces and proposed multiple units to be used as multifamily dwellings.

Based upon those above and foregoing, my clients would urge that Planning & Zoning consider having multiple meetings for public comment as opposed to a single meeting.

Very truly yours,

LOWTHER JOHNSON
Attorneys at Law, LLC



Lee J. Viorel, III

LJV:klc

Enclosure

This guide is brought to you by:

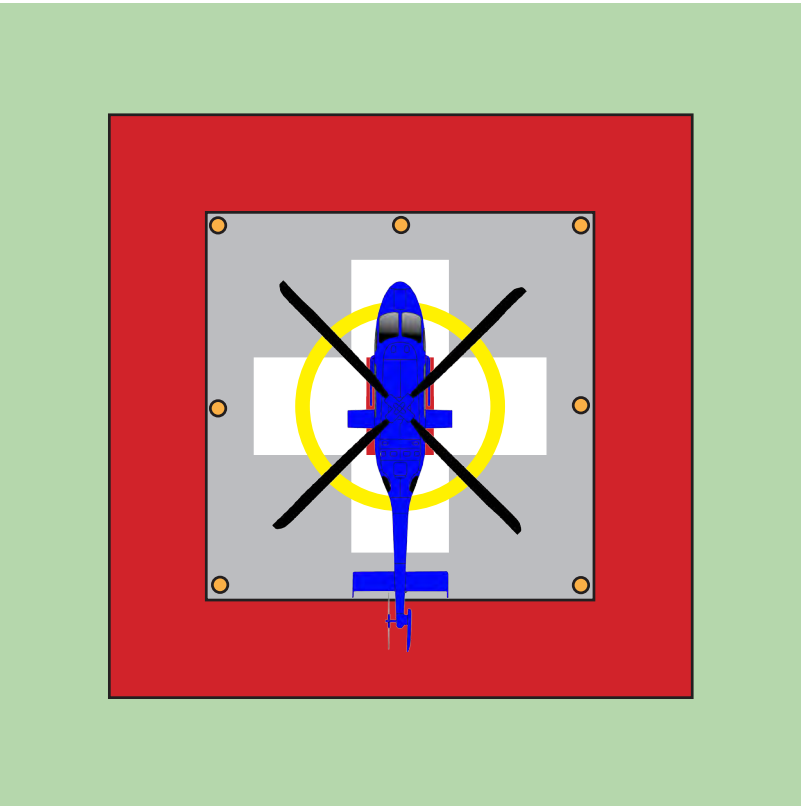


www.MOAAMS.org

and its member programs:



Hospital Helipad Recommendations



As you and your facility consider hospital construction projects, whether additions or renovations to existing facilities, or changes to helipads in consideration of Missouri's TCD designations, please examine the recommendations in this guide.

As with all air-medical operations, safety is the highest priority. Ensuring hospitals have safe facilities for helicopter operations is critically important to our end-goal of providing safe, rapid transport for patients in need. This guide provides helpful information about minimum helipad sizes, safety zones, helipad maintenance, landscaping, fencing, hazard marking and more.

We strongly encourage you to include your local air-medical program in the earliest planning stages possible as you consider any helipad changes or hospital construction projects. Collaborating on helipad and construction projects early in the process can save time, money and frustration.

The recommendations in this document are best practices and are to serve as guidelines only.

These are not regulation requirements.

The information is based on the National EMS Pilots Association 2008 Hospital Helipads Presentation prepared by Rex Alexander. It is intended for education and information only and should not be considered or used in substitution of actual FAA, DOT or other regulations.

Contact MOAAMS for questions or more resources

President

Susan Crum
Cox Air Care
417-269-4040

Vice President

Ruby Mehrer
LifeFlight Eagle
816-506-2792

Treasurer

DJ Satterfield
Mercy Life Line
417-820-6679

Secretary

Christy Dressler
Children's Mercy Hospital
816-802-1112

prepared by:



www.MOAAMS.org

Helipad Size

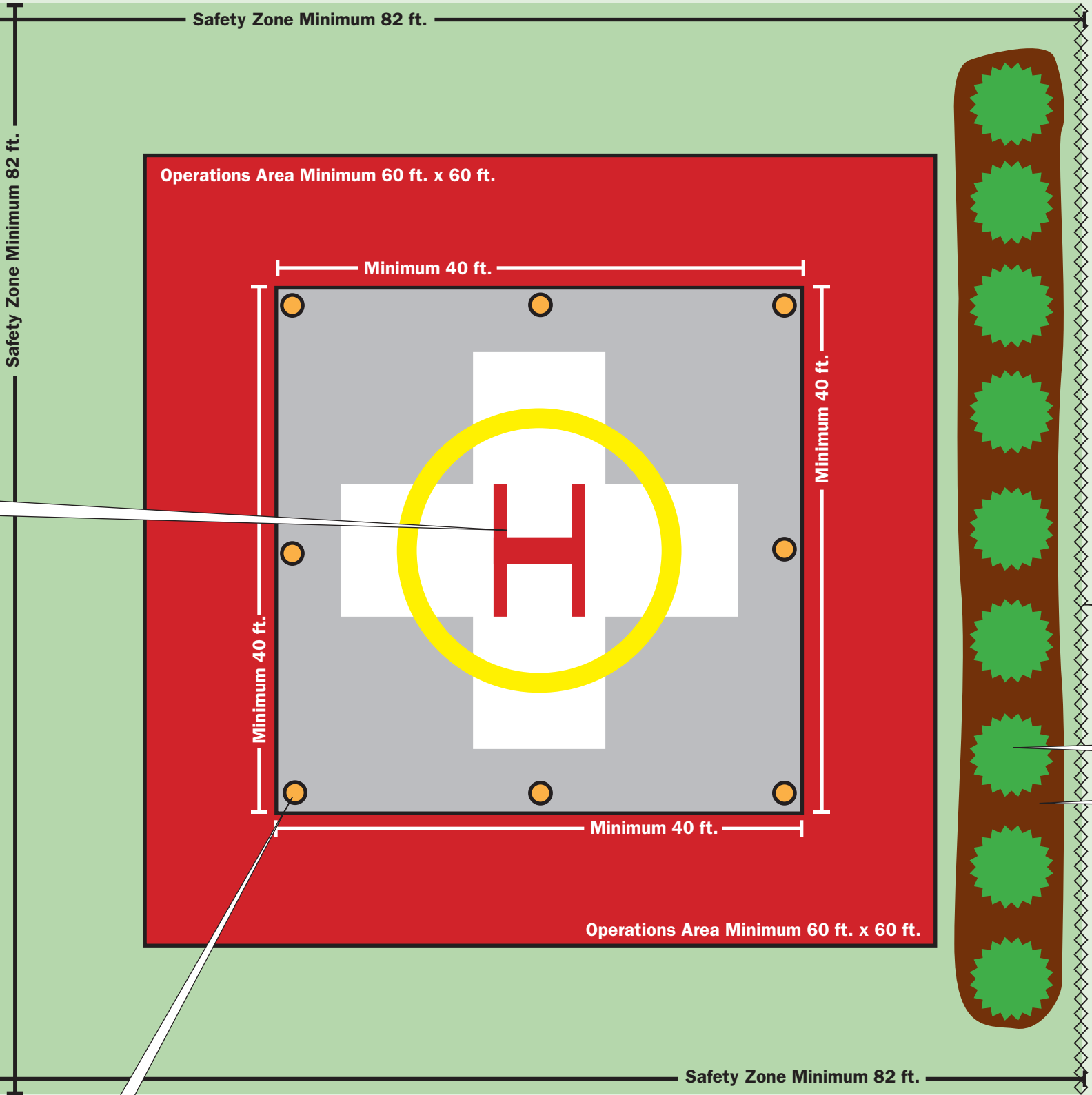
- Helipads should be no less than 40 feet by 40 feet, and surrounded by a safety zone no less than 82 ft. x 82 ft.
- Ground helipads should be made of Portland cement concrete, at least 6 inches thick. Helicopters can sink into asphalt on a hot day.
- Keep the safety area around the helipad free of obstacles approximately twice the area of the helipad when possible.
- Drainage should be sloped away from access points for patient loading etc.

Ensure Non-Slip Surface

- Helipads should have a red capital letter H centered on helipad, oriented in the preferred takeoff and landing direction.
- When applying paint on a new helipad, make sure a non-slip surface is prepared and that silica sand is added to the paint.
- When reapplying paint, always add silica sand to the paint to maintain the helipad's non-slip integrity.
- The addition of reflective glass beads to paint helps to identify areas more clearly at night.
- DO NOT use rock salt to melt ice on helipads; it damages helicopters. Use products containing urea.

Helipad Location

- Aircraft need two unobstructed flight paths in/out of a helipad, whether on the rooftop or ground. This means there can be no obstacles more than 10 feet tall within 80 feet of the edge of the helipad in two directions.
- Ground helipads should be placed close enough to the emergency department to allow quick access, but not too close to hospital structures. Consult your local air program early in the planning stages before any helipad construction.
- Follow regulations: FAA, DOT, OSHA, State & Local Zoning etc.
- Hospital ventilation systems may ingest helicopter exhaust fumes if too near. Consider prevailing wind patterns when determining helipad placement.
- Resources for special considerations for rooftop helipads will be provided on request.



Windsocks

A windsock should be visible from the helipad to reflect wind speed and direction. It should be 6-8 feet long and lighted (amber) for night. It should be at least 10-15 feet above ground, and located at least 100 feet from the helipad.



Mark Hazards



- Power lines in the vicinity of the helipad need to be marked with appropriate orange markers.
- Any structure 200 feet or above needs to be lighted with red obstruction lights.
- Cranes should have flags for daylight and be lighted at night; lower cranes at night if possible; always notify helicopter programs if you have cranes or construction near the hospital or helipad.

Please Don't

- **Please Don't** install a fence as a perimeter for a helicopter landing area unless it is at least 41 feet from the center of the helipad. If you do build a fence, it should be short. Consult your local air program about materials and fence height.
- **Please Don't** plant trees or shrubs near the helipad — they grow into obstructions.
- **Please Don't** use small decorative landscaping bark, wood chips, stones etc., near the helipad. Rotor wash can cause them to become dangerous projectiles.
- **Please Don't** locate a helipad within 50 feet of anything flammable.
- **Please Don't** put an MRI unit (or any strong magnet) near the helipad, it can affect the helicopter's instrumentation.
- **Please Don't** allow trash or construction materials to be affected by our rotor wash (75 to 100 mph winds are common).

Helipad Lighting

- Utilize flush lights to define the perimeter, one at each corner, and additional lights uniformly spaced at a maximum interval of 25 feet between lights. Low wattage amber LED lights are recommended.
- Never have flood lights high above the helipad — they can blind pilots. Flood lights in the area should be aimed down.

Safety and Communication

- Train designated personnel to provide security (air ambulance programs provide this training free of charge).
- Remove snow and ice prior to helicopter arrival.
- DO NOT use rock salt to melt ice on helipads; it damages helicopters. Use products containing urea.

- Block all vehicle and pedestrian traffic near the helipad during landing and takeoff.
- Stay away from the tail rotor area at all times; approach only in the pilot's line of sight and follow all crew member instructions.
- Communicate with your air ambulance provider with questions, concerns or new information.



CO-FOUNDER

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¹ ALSO ADMITTED IN ARKANSAS

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www.lowtherjohnson.com

April 5, 2023

Sent Via Email: awerland@springfieldmo.gov

Planning & Zoning Commission
c/o Amy Werland
Department of Planning & Development
840 Boonville Avenue
Springfield, MO 65802

RE: Project/Case No. Z-27-2022 w/COD #220
Location: 1739, 1745, & 1755 S. National Ave. and
1138 E. University, as well as 1111, 1119, 1133, & 1141 E. Sunshine
Matter ID 37559-000

Dear Ms. Werland:

I write on behalf of owners in the University Heights neighborhood. They have requested that I make a written request of Planning & Zoning that this matter be tabled until resolution of the current pending lawsuit styled Sleigh, et al. v. BK&M LLC, et al.; Case No. 2231-CC01284 pending in Greene County, Missouri. It directly impacts on the current Application and the Motion to Dismiss filed by the Defendants that was overruled and the case is moving to trial. Plaintiffs have recently requested a scheduling conference in the matter.

In addition, City Council has in committee, a review of a possible corridor study for the National/Sunshine area with a possible moratorium to go into effect if voted upon and approved by Council. With those items pending, the owners would request that the current proposal for rezoning by BK&M as set forth above be tabled.

Thank you for your time and attention to this matter.

Very truly yours,

LOWTHER JOHNSON
Attorneys at Law, LLC

Lee J. Viorel, III

LJV:klc

From: [David Hutchison](#)
To: Zoning@springfieldmo.gov; [Werland, Amy](#); [Hosmer, Bob](#)
Subject: Z-27-2022 COD 220 SR Proposed change in zoning
Date: Wednesday, April 5, 2023 5:23:08 PM

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

I am David Hutchison, 1101 E Kingsbury, Springfield, MO 65807 Phone 417 830-5268

You have heard more than enough about how great our neighborhood is. Traffic will be a problem, I have already witnessed it.

Quiet? Depending where you live, the flight path of ER helicopters is over both my home and the proposed BKM project.

My concern is the property bordering University, especially 1138 E University. All general use property east of National on the Northside of Sunshine leaves University Street open. I use this route often to avoid traffic at National and Sunshine.

#1 Should 1138 E University be rezoned for general use, who knows what they will do? Probably, as a parking lot or site for waste containers.

I believe this property needs to be excluded. Rezoning 1138 University will open a path for rezoning both east and west University Street.

As a 4th generation Springfieldian. I have seen many changes in Springfield. As a child Sunshine was 2 lane, Battlefield Road was also partially dirt and gravel.

Sunshine will be rezoned! However rerouting traffic on University Street is not a good plan. I know the developers have said they will limit use of the retail section of the property. Probably not binding. By the way, No Neighborhood Pub??? A pub would be welcomed by myself!

The developer has said He purchased the properties prior to rezoning. His name is not John Q. Hammons!

Investing in property with the expectation of rezoning is blind faith! A calculated RISK! Sometimes you don't get what you want.

There is no #2..

Please consider NOT allowing 1138 E University Street to be rezoned.

Thank you,
David Hutchison

From: [David Scrivner](#)
To: Zoning@springfieldmo.gov
Subject: Z-27-2023 Comments
Date: Wednesday, April 5, 2023 9:10:28 PM

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

Dear Planning & Zoning Commission:

I am writing to express my concerns regarding rezoning the properties currently classified as residential to make them commercial for this proposed development. Preserving in-tact, older residential areas, especially ones with historic homes, is crucial for attracting and retaining residents who can contribute to both Springfield's cultural life and economic development. These homes are in a particularly desirable neighborhood that contributes significantly and uniquely to Springfield's character, and neither the homes nor the quality of the neighborhood can be replaced by new development. As Springfield looks to grow, having neighborhoods with historic homes and mature trees, such as these residences, is essential, and without it, people will choose areas such as Nixa and Ozark rather than living in our city. When I was looking to move to Springfield nearly five years ago, I had to look very purposefully to find an older neighborhood with a mature tree canopy and desirable homes, and I know I am not alone in this desire. Modern commercial developments abound, and people do not have to look far to find them. Neighborhoods such as University Heights develop over decades—even a century or more—and disregarding the treasure this neighborhood is in favor of bland development will only hurt our city, both now and for decades to come.

Thank you,

David Scrivner

Crime and Property Value Analysis Re: Zoning Case Z-27-2022 w/COD 220

University Heights Neighborhood

Written by Donna Hemann

Crime and Property Value Analysis Committee Members: Gayla Carey, Raquel Hansen, Donna Hemann, Susan Knapp, John Walstrand

Summary: Rezoning Residential Land to Commercial Development inside University Heights Would Reduce Property Values and Increase Crime.

Destruction of Property Values – The intrusion of retail strip centers into residential neighborhoods is well known to devalue private property. This is true nationwide and has an effect similar to inverse condemnation. Conversely, “zoning helps protect the local environment and helps keep property values stable” (Millman National Land Services/Nationally Recognized Land Surveyors and Zoning Experts). Currently, UH boasts some of the highest-per-square foot property values in the City. A newly renovated home (1721 S. National [north corner of E. University and National]) directly across the street from the most impressive and well maintained of the homes the developers seek to raze (on the corner of University and National [1739 S. National]) sold in September 2022, for just under **\$700,000**. It was purchased by a couple from Kansas City, one of whom is vice-president of a large accounting firm here in Springfield which merged with a Kansas City company. There would be a significant reduction in the value of their property, and then potentially be uninhabitable should a parking lot and strip center be erected directly across from them on the interior of E. University. Half a block from this house is a home valued at \$850,000.

A young couple immediately to the west of 1721 E. National at 1139 E. University, moved to quiet University Heights recently from Rountree due to the high-rise student buildings and proliferation of student rentals and retail near their Rountree home. Those conditions made it an undesirable place for her and her husband to raise a family. She did not know of BK&M's intention to buy homes across the street from her new home and try to change the zoning, leaving her with a massive parking lot and back alley across from her front yard. She reached out to University Heights Neighborhood Association leadership in great distress seeking assurance that this is not happening to her and her husband again before they even unpack their bags. The current view from their front yard is one of the houses slated to be razed by developers with an alley/back road put in its place.

Spike in Vagrancy, Homelessness Congregation and Crime – Problems with vagrancy, congregation of the homeless and crime will increase if more homes are torn down, parking lots erected, and a back alley/road is cut through the interior of University Heights. For example, currently, people without transportation released from Mercy Hospital's Marian Center typically walk down Sunshine and National but only pass by, as homeowners are vigilant in contacting police if there is behavior of concern. If homes were destroyed and homeowners removed from the equation on these crucial corridors, an environment would be created for this population to stay. Sadly, the state of people we see leaving the hospital on foot is frightening. It would be unsafe for residents if they were to congregate in UH. This new environment would also consist of loitering, drug use, and a place for other criminal activity; these phenomena can be seen anytime during the day or night downtown and at the intersections of Sunshine/Campbell. We cannot allow this activity to happen inside UH.

Land Use

A. Homogeneity of Residential Properties Decreases Crime

There has been considerable research on the related issue of the effect of different kinds of land use on crime. In general, research has concluded that, “^ commercial uses are associated with increased rather than decreased crime.” Similarly, considerable research on this issue has shown that homogeneous residential neighborhoods have lower rates of crime than mixed-use neighborhoods.^”¹

¹ Reducing Crime by Shaping the Built Environment With Zoning. James m. Anderson, John M. MacDonald, Ricky Bluthenthal and J. Scott Ashwood. University of Pennsylvania Law Review, Vol.161:699)

B. Natural Surveillance

Many have argued that design should "create opportunities for natural surveillance by residents and neighbors."² Routine-activities theory, which is featured prominently in criminology literature, notes the importance of capable guardianship in reducing the propensity of motivated offenders to commit crimes against suitable targets.[^] Individuals who act as "eyes on the street" are proactive in calling the police or asking questions of potential criminals. The process by which individuals living in neighborhoods actively intervene in ways that discourage problem behaviors has been termed "collective efficacy."^{^*}

Empirical studies are consistent with the claim that natural surveillance is associated with lower crime. Empirical research has suggested the importance of the watcher's identity. Moreover, mixed-use areas make it harder to identify abnormal behavior.

C. Territoriality

From his study, Newman concluded that the physical environment should "create perceived zones of territorial influence. i.e.: "a residential environment intended to reinforce inhabitants in their ability to assume territorial attitudes and prerogatives." Katyal expounded on this argument: "Territoriality connotes ownership or stewardship of an area. It both provides an incentive for residents to take care of and to monitor an area and subtly deters offenders by warning them that they are about to enter a private space."

D. Permeability

Another study concluded that physical permeability matters even more than markers of informal territorial control."[^] Considerable evidence links more neighborhood permeability with higher crime.* **Replacing residential neighborhood perimeters which serve as buffers for the whole neighborhood, with commercial business, creates permeability and diminishes territorial control.**

"The repeated finding that commercial land uses are associated with more crime may result because commercial land uses reduce territoriality and informal social control of residents." "Residents in an area with nonresidential uses are less happy,"[^] less likely to have contact with their neighbors,"[^] and less likely to be able to distinguish local residents and outsiders."^{^*}

There is also a relationship between territoriality and natural surveillance. Others have suggested that, without sufficient density, commercial strips (in contrast to higher-density commercial areas) might be associated with crime because the linearity of the commercial strip reduces activity and eyes on the street.[^] Similarly, some have argued that nonresidential uses may be associated with increased crime because those uses create holes in the fabric of the community, attract outsiders, and generally impair the facial recognition of those who belong in the neighborhood."

² Ibid. p716

reduce crime, blocks with a single type of residential zoning have the lowest level of crime.

Table 4: Estimated Effect of Refined Zoning Classifications on Crime¹⁹⁰

100 meters	Total	Assault	Robbery	Theft	Burglary	Auto Theft
Single Residential	0.52* (.44-.61)	0.70* (.47-1.05)	0.31* (.20-.46)	0.46* (.31-.70)	0.56* (.37-.85)	0.74 (.51-1.08)
Multi-Commercial	2.48* (2.12-2.90)	1.71* (1.07-2.72)	1.92* (1.36-2.72)	6.10* (4.25-8.54)	1.21 (.72-2.05)	1.79* (1.14-2.80)
Single-Commercial	1.45* (1.20-1.75)	1.50* (.92-2.45)	1.08 (.70-1.68)	3.18* (2.12-4.76)	1.27 (.76-2.13)	1.22 (.74-2.01)
Pseudo R ²	0.39	0.25	0.34	0.34	0.25	0.28

250 meters	Total	Assault	Robbery	Theft	Burglary	Auto Theft
Single Residential	0.95 (.88-1.02)	0.95 (.79-1.14)	0.82* (.69-.98)	1.05 (.88-1.24)	0.92 (.77-1.10)	1.01 (.83-1.20)
Multi-Commercial	1.97* (1.81-2.14)	1.58* (1.22-1.94)	1.80* (1.48-2.20)	4.25* (3.55-5.07)	1.13 (.88-1.43)	1.42* (1.13-1.78)
Single-Commercial	1.47* (1.34-1.61)	1.18 (.91-1.14)	1.32* (1.04-1.66)	2.65* (2.16-3.24)	1.10 (.86-1.42)	1.20 (.95-1.52)
Pseudo R ²	0.46	0.29	0.35	0.33	0.41	0.38

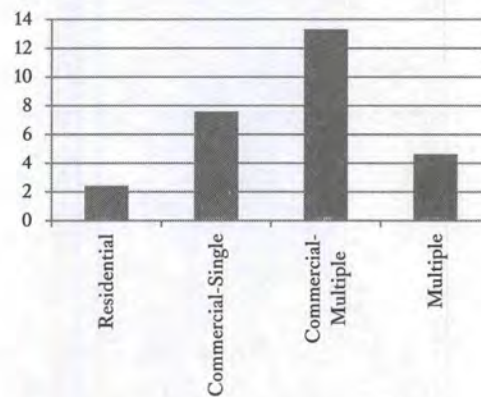
* $p < 0.05$ (two-tailed); $n = 205$ blocks. All models include area-level fixed effects.

¹⁹⁰ "Total" represents the sum of homicide, rape, assault, robbery, theft, theft from automobile, burglary, and auto theft. The count-multiplier or incidence-rate ratios are displayed, along with 95% confidence intervals in parentheses. We also estimated the models in Table 4 using robust standard errors to adjust for overdispersion. See *supra* note 185.

These results are generally consistent with the situational crime prevention literature, which predicts that areas with commercial establishments create more attractive crime opportunities.¹⁹¹ According to this theory, establishments that attract strangers who are potential offenders or suitable criminal targets will increase criminal victimization. Consistent with this theory, our results show that, on average, residential-only areas with likely fewer strangers have less crime, whereas commercially zoned areas with likely more strangers have higher rates of crime.

Figure 1 below shows the expected total crime counts at 100 meters for the different types of zoning. The expected crime counts are substantially lower in multiple zoned areas than in single commercially zoned blocks.

Figure 1: Estimated Effect of Zoning on Crime Counts at 100 Meters



2. The Association Between Zoning Homogeneity and Crime

Zoning homogeneity refers to the degree to which parcels on a block share the same zoning classifications. The concept of zoning homogeneity thus complements the Jacobs argument that mixed-use zoning increases the "eyes on the street,"¹⁹² and to the situational crime prevention literature, which argues that multiple-form zoning encourages establishments such as

¹⁹¹ See, e.g., Sherman et al., *supra* note 146, at 45 tbl.5 (reporting that 36 of the top 42 areas of predatory crimes in a study of Minneapolis were nonresidential areas).

¹⁹² See JACOBS, *supra* note 12 and accompanying text.

Conclusion on correlation of zoning with crime: “We found that exclusively residential blocks exhibit lower reported crime than blocks zoned for commercial or mixed-use, even in relatively high crime neighborhoods.”

***Together, these findings provide evidence to support the surprisingly prescient intuitions expressed in early zoning judicial opinions about the effect of commercial establishments in attracting crime.

Looking forward, our findings suggest that strategic decisions about zoning could be part of the overall crime prevention strategy. Reduced crime will lead to a variety of positive social welfare outcomes, including increased community efficacy, reduced fear of crime, increased outdoor exercise, and better long-term health outcomes.

Neighborhood Culture and Crime

Mixing commercial into a purely residential neighborhood can contribute to disintegration of the existing neighborhood culture, contributing to “disorganized neighborhood syndrome.” Disorganized neighborhoods undergo the disintegration of their existing culture, standards, and locus of control. In these areas, the major sources of normal, informal social control (family, school, neighborhood, and civil services) are weakened and become ineffective.⁵

Effects of a disorganized neighborhood:

- Residents develop a sense of hopelessness and mistrust
- Kids are at risk of criminality
- Basic stabilizing forces are undermined
- The ability of the community to control its inhabitants (assert informal social control) is damaged/frayed
- The community becomes socially disorganized
- Residents increasingly become exposed to disruption, violence, and incivility

As areas decline, residents flee to safer, more stable localities. Disorganized neighborhoods are left with inferior housing and victimization.

⁵ Introduction to Criminal Justice, 17Ed, Siegal, L.J. and Worrall, J.L., 2022

The "Cohesive Neighborhood"

Cohesive neighborhoods:

- Have high levels of social control and social integration, where people know one another and develop interpersonal ties.
- They are a "collective efficacy" that develops mutual trust and cooperation.
- Cohesive neighborhoods have a high level of formal and informal social control (a willingness to intervene in the maintenance of public order).
- Have shared expectations in a public space
- Residents have a sense of belonging and confidence with one another

Residents in cohesive neighborhoods enjoy a better life because of their stability, efficacy in maintaining safety and order, and sense of connection to others that make up their environment. Children's exposure to behaviors such as crime and vagrancy is minimal, and instead kids see that people care, have control over the environment and that there are expectations of how they should behave, which shapes behavior.

Social cohesion is built over years.

Business Closure and Empty Retail Space – A direct Correlate to Increased Crime and Property Devaluation

Tom Chang and Mireille Jacobson⁶ find that there's a link between business closure and crime within two miles of the business closure. According to the analysis, crimes increased 14 percent to 16 percent within a quarter mile of the businesses that were closed, and 23 percent to 24 percent within an eighth of a mile. The effect was driven by an increase in property crimes, especially thefts from vehicles.

Even temporary businesses closure is linked to rise in property crime.

Again, Chang and Jacobson found that crimes, particularly property crimes, within the immediate vicinity would increase. Thefts from vehicles, for instance, increased by up to 30 percent within a quarter of a mile of a closed restaurant.

Empty local retail:

On the Northeast corner of Sunshine/National, (directly across the street from the National-facing properties proposed for rezoning), continuously to the intersection of E. Sunshine/Fremont, there is an abundance of long-vacant strip centers/retail spaces/businesses. Starting from the corner, at 1231 E. Sunshine, Hurts Donuts is new but not yet operating, next to it is 1251 where a unit has remained empty for four years, next to that is 1301 which was vacated by Neighbor's Mill and is now empty, then 1403, a large, retail strip center built several years ago called Jaclyn Square, that is completely empty and has never been occupied, next to it is the Thai Basil building, the business closed and building was abandoned, then there is Fishel Pools empty for years and deteriorating also. "When a retail business closes crime around it increases (Harvard Business Review 2017)." Continuing to E. Sunshine/65hwy, more retail centers sit empty for years. There is an overabundance of empty retail, and a shortage of single-family housing.

In conclusion, our research has found that retaining healthy, homogenous, residential neighborhoods produces the highest property values and lowest crime levels. Introducing commercial development into stable residential

⁶ Ibid

neighborhoods increases crime and long term negative consequences for a city. By shaping the built environment, policy makers can reduce crime by design. Even higher crime areas experience a reduction in crime when, in a mixed-use or strictly commercial area, residential is introduced. In these cases, assaults, robberies and burglary are reduced, and thefts from cars and stolen vehicles are reduced markedly. Lower crime and stable neighborhoods are economic and social advantages for the entire city, not just the neighborhood most directly affected.

This information on the effects of introducing commercial property into a healthy residential neighborhood bolsters the position that re-zoning should not take place in the University Heights subdivision, and augments the information previously provided to Planning and Zoning.

University Heights has remained a healthy neighborhood with re-invigorated housing stock that holds high value. There are no current conditions that make re-zoning necessary. In considering Sunshine/National Corridor planning, please exclude the sections of those streets that are part of our borders.

Thank you for your consideration of these facts.

Respectfully,

Crime and Property Value Analysis Committee

University Heights Neighborhood Association

For further information:

uhnasgf@gmail.com

c: 818.264.6146



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April 6, 2023

Email: awerland@springfieldmo.gov

Planning & Zoning Commission
c/o Amy Werland
Department of Planning & Development
840 Boonville Avenue
Springfield, MO 65802

RE: **Zoning Case Z-27-2022**
University Heights
Matter ID 37559-000

Dear Commission:

I am representing my parents, Walter and Kathleen Green, with respect to the above zoning application by BKM. My parents have resided in the University Heights neighborhood since the 1970's.

They are adamantly opposed to any rezoning from R-SF for these lots. I cannot attend the meeting tonight because it is Holy Thursday in the Christian tradition and I am the head usher for a Holy Thursday service tonight.

I am requesting that the hearing be postponed or that a second hearing date be set for additional comments, due to the fact that the Staff Report not being issued a full 7 days prior to hearing, as required under the rules.

In the event that this request is not granted, I am submitting my comments with this letter for consideration by the Commission.

Very truly yours,

LOWTHER JOHNSON
Attorneys at Law, LLC

A handwritten signature in blue ink that reads 'Glenn P. Green'. The signature is stylized with a large 'G' and a long horizontal stroke at the end.

Glenn P. Green

GPG:cam
Enclosure

If the basis of spot zoning for a different use is arbitrary and unreasonable and made for the sole benefit of the private interests of the owner, it is invalid. If the spot zoning is in accord and in harmony with the comprehensive zoning plan and is done for the public good, i.e., to serve one or more of the purposes of the enabling statute, and so bears a substantial relationship to the public health, safety, morals and general welfare, it is valid. Treme v. St. Louis County, 609 S.W.2d 706, 713 (Mo.App.1980).

RSMo 89.350 required municipalities to develop a Comprehensive Plan to guide the physical development of the community.

From the Springfield website: "The Comprehensive Plan serves as a policy guide for the overall development of the community."

A comprehensive plan is relied upon both by developers and homeowners to determine the characteristics of the neighborhoods around them and potential uses of neighboring properties.

There are 8 factors to be considered in a re-zoning application under City Code Sec. 36-367.7(a):

#1- Whether the proposed zoning classification is consistent with the Springfield Comprehensive Plan.

Owners in University Heights have relied upon Springfield's Comprehensive Plan in purchasing and improving their homes with the understanding that both the Vision 20/20 and the Forward SGF comprehensive plans have consistently designated the University Heights area as Low Density Single Family Housing. The BKM proposal clearly fails factor #1.

Furthermore, the Neighborhoods Element of the Vision 20/20 Comprehensive Plan specifically provides on page 25-2:

*The Vision for Neighborhoods Springfield should be a community of neighborhoods that have strong ties to elementary schools, exhibit a small town or "home town" feeling, and are characterized by activities and events that draw the neighborhood together. The physical character of these neighborhoods should be a source of pride for the community. Streets should be tree lined, **historic buildings preserved** and the neighborhoods clean, well maintained, functional and aesthetically pleasing. Linkages to parks and open space should be hallmarks of both old and new neighborhoods. **There should be a public commitment to conserve existing neighborhoods** and a specific recognition of the importance of redeveloping declining, older neighborhoods.*

The Neighborhoods Element of the Vision 20/20 Comprehensive Plan continues on page 25-3 to state as follows:

*The City and County **should adhere to the principle that the more developed and established a neighborhood, the greater the burden of proof is upon the proponent of change.** Among the factors to be considered are the social and economic costs of the loss of existing housing; use and site planning compatibility; and the importance of new investment to the long-term residential health of the neighborhood.*

#2- Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary.

The Neighborhoods Element of the Vision 20/20 Comprehensive Plan continues on page 25-4 to state:

*Inclusion of diverse housing types in existing neighborhoods **should relate to areas in transition** and should adopt appropriate design and buffering considerations for the particular neighborhood.*

The Staff Report specifically indicates that University Heights Neighborhood is a vital and exclusively single-family residential neighborhood. University Heights has been a high quality neighborhood since its creation in the 1920's. It is not an "area in transition." Thus, there is no justification for "diverse housing types" to be added in this neighborhood.

The justification offered by BKM to approve the rezoning request is because there are high traffic levels at the Sunshine and National intersection that the highest and best use is for commercial or mixed use such as their proposal. The "highest and best use" justification is a red herring that could be used for virtually any single family lot. There would be few if any residential lots that would be worth more in their current RSF use as compared to a commercial use. This justification cannot be allowed to justify a change from RSF zoning.

As for the traffic argument, that intersection has been one of the busiest intersections in the City for decades. More traffic has been added by the City approving commercial uses on the Northeast corner, and increasing the square footage of commercial space on the Southwest corner. Those changes should not be allowed to create a domino effect of justification to continue to change RSF properties to commercial properties. University Heights has shown a resilience of families continuing to purchase and improve houses with large remodels and renovations. along National despite the traffic. Houses along Sunshine have continued to be used for residential uses, even if some of them are rental properties.

In fact, the only properties that have been a problem have been a few such as the house at the Northwest corner that was recently demolished after a succession of owners allowed the property to deteriorate when their efforts to speculate on rezoning failed. The Staff report even states that *"little or no degradation of quality is apparent [in that area].* [page 14].

#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.

There are no commercial uses permitted anywhere in the University Heights District. Any commercial use is across National or Sunshine. When the Northeast and Southwest corners were approved for rezoning, there were University Heights residents that argued that if the City allowed that rezoning, it would create a domino effect in that area and University Heights would be the next target for commercial rezoning. Now that fear has come to a head.

Also, according to page 25-10, an objective of the Comprehensive Plan is :

4. Neighborhood Preservation: Maintain and strengthen the character of the city's various residential areas.

The Staff report specifically notes that:

The Growth Management and Land Use Plan designate this area as appropriate for Low Density Housing uses and neither the northwest nor the northeast quadrants of this intersection are specifically identified by the Land Use Map as being located in an activity center, which is the preferred location for commercial land uses.

The Staff report goes on to note that:

Different from the other three quadrants, the land use pattern at the northwest corner heading westward, on both the north and south sides of Sunshine Street have remained single family residential from the intersection and westward along Sunshine Avenue for approximately one mile. **Residential development in the northwest quadrant of this intersection and along the north and south sides of Sunshine Street to the west is viable, functioning, well-established and vibrant despite the large volumes of traffic that pass through the intersection and along Sunshine Street and National Avenue.**

Allowing a rezoning of part of the University Heights neighborhood to commercial mixed use does not in any way maintain or strengthen this legacy residential area.

The Staff report notes that:

[The Growth Management and Land Use Plan] seeks to identify and designate locations as mixed-use that are close to higher density residential neighborhoods [...].

Thus, the BKM proposal does not meet the higher density factor for locating mixed-use development.

Furthermore, there are no 5 plus story buildings anywhere in the vicinity of the subject property, or in the neighborhood. The Staff report notes that:

The Growth Management and Land Use Plan also states that new development should be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space.

Clearly the scale is not at all compatible. There is also no way to make it compatible in terms of setbacks and open space to the existing neighborhood.

Furthermore, the Staff report notes that:

[...] there is nothing in the COD that limits the height to 5 stories.

Thus, BKM could build even taller buildings, which would be even less compatible.

#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.

The staff report indicates the sewer pipe in that area is a 4-inch clay pipe. That pipe seems undersized for the current uses already existing in the area, much less adding over 50 residences and several commercial stores to the sewer system.

The drainage system in that area already is overtaxed during significant rains. Basements in the neighborhood have had flooding problems for decades that will only be exacerbated by adding so much impervious surface to that area. The Staff report notes that 1.26 acres of impervious surface will be added by the BKM plans.

#5- The impact the uses will have on traffic and traffic safety.

While the Planning Staff has required certain traffic routing conditions, they are all based on a Traffic Study that claims there will be no real increase in traffic from the proposed development. The engineer submitting the study should be required to appear for questioning to explain how that could be accurate. It defies logic that several commercial businesses and 50-apartment units with a 170-space parking lot would have the same traffic as 8 single-family residences.

#6- Whether a reasonably the proposed rezoning would correct an error in the application of the zoning article as applied to the subject property.

There is no assertion by the Applicant that this factor applies.

#7- Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

As has been discussed above, the properties in University Heights are viable as single-family residences. The staff report verifies that.

The only issue here is that BKM wants to squeeze more money out of the properties that they are speculating on. That does not justify a rezoning.

#8- Information submitted at the public hearing.

The Staff report did not come out at least 7 days before the hearing, as required so there has been less time to prepare for the hearing.

If there is any new information submitted by the Applicant at the public hearing, then the hearing should be set for another hearing for the public to be able to review and comment on.

As it is, we have an application that was initially recommended by Staff for denial. For some reason that has changed to an approval recommendation without any explanation as to why Staff changed their mind. This is despite the numerous factors that are clearly not met by the Applicant, and the fact that the Staff report indicates that BKM's:

[...] proposed language will make the interpretation of the proposed styles very subjective and there isn't enough detail to truly limit the development like one could in a Planned Development with approved elevations, site plans and renderings.

The Staff report also notes that:

[...] because the applicant is proposing a rezoning to GR, the intensities and densities are not guaranteed and may only be limited based on the traffic impact analysis/study and other site restraints.

Additionally, the Staff report notes that :

*Areas zoned GR are intended to be **at least five acres** in size unless the zoning is based on an adopted plan or comprehensive zoning scheme.*

BKM's application is for land that is about ½ of that size, and there is no explanation why Staff would recommend approval despite that fact.

From: anfogle@aol.com
To: Zoning@springfieldmo.gov
Subject: Zoning change at corner of National and Sunshine,
Date: Thursday, April 6, 2023 2:40:21 PM

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

Members of the Planning and Zoning Commission,

I realize that you have already received dozens of pieces of correspondence regarding BK&M, LLC's rezoning request at the northwest corner of Sunshine and National. I feel it necessary to add my (our) voice to those opposing this rezoning request before you hear arguments on this matter this evening.

I have read through most of those letters and emails and know that my neighbors have communicated our high level of concern regarding increased traffic (both vehicular and pedestrian) and the inherent issues caused by both. There is no doubt that people will use the streets on the interior of University Heights to access any development on that corner. There is also no doubt that vehicles will park on our neighborhood streets to access any development there. There is also no doubt that there will be many unintended consequences of developing that property, i.e. trash, noise, vagrancy, and I'm confident there will be others.

Brian and I have lived almost 40 years on the 1100 block of E. Kingsbury and it has been an exceptional place to raise our three kids and to age in place. At a time when Springfield is attempting to figure out the best ways to revitalize declining neighborhoods, it is hard to believe that the city would take steps to rezone a corner that could (and in my opinion would) begin a process of deterioration of our lovely and welcoming University Heights.

I am also VERY concerned that after months of discussion and listening to the developers talk about the high quality development that they are planning, as of yesterday, April 5, there is a "FOR LEASE/BUILD TO SUIT" sign on the property. From the beginning of this journey, one of my biggest fears has come from the knowledge that IF this request were approved that BK&M would have the go-ahead to put anything that fell under the conditional overlay plan and would not be held to any of the promises they have been making to the neighborhood.

University Heights is one of the rare, if not only, neighborhoods in the middle of our city that has not had commercial/retail establishments begin to encroach within the borders of the neighborhood. I ask you help us in our fight to keep our single family residential area as it is, not only to protect our property values but more importantly to me, to protect our quality of place/life.

I heard Mayor McClure speak at Missouri State last fall at an event to encourage student voting/involvement in the community. He said that top two priorities of City Council were **safety and quality of place**. He listed development after those two issues. I see no way that rezoning the property in question would possibly improve either the safety or quality of place of not only our neighborhood but Springfield in general. The only benefit of this proposal would be to BK&M, LLC and that isn't even a certainty considering the number of empty retail spaces available within short distances of this property.

Thank you very much for your service to the community and please, please listen to the University Heights neighbors on this issue.

Warm regards,

Renee Arnaud Fogle
1125 E. Kingsbury

417-848-2153

From: University Heights Neighborhood Association uhnasgf@gmail.com 
Subject: Please include in overhead projection for Z-27 this Thursday
Date: April 4, 2023 at 3:47 PM
To: zoning@springfieldmo.gov



Hello,

Please include these photos for part of my presentation at P&Z hearing on Z-27 w/COD this Thursday, April 6, 2023.

They are in the order to be shown.

If questions: 818.264.6146

Thank you,

Donna Hemann

University Heights Neighborhood Association

*Additional Photos Following









































EXPLANATION TO COUNCIL BILL 2023-121 (HOSMER)

FILED: 04/30/2023

ORIGINATING DEPARTMENT: Finance

TITLE: A special ordinance setting a preliminary tax levy on real and personal property for current expenses and debt retirement of the City of Springfield, Missouri, and its boards and agencies, for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024; and declaring an emergency.

PURPOSE: To set the real and personal property preliminary tax levy for the City of Springfield for Fiscal Year 2023-2024 at a level of \$0.6200 per \$100 assessed valuation; and declaring an emergency.

BACKGROUND INFORMATION: This ordinance is a companion bill to the adoption of the annual City operating budget and sets the preliminary tax levy on real and personal property. The tax levy is assessed on all property on the tax rolls as of January 1, 2023. Notices have been published calling a public hearing for the purpose of setting the tax levy for the City of Springfield budget for 2023-2024. A copy of the notice is attached hereto setting forth the estimate of the assessed valuations and the tax revenues for 2023.

The tax levies established by this Ordinance are based upon State law. The State Auditor is required to review and approve all levies and determine that they meet the statutory test and the Constitutional Test or Hancock Amendment. These tests factor in growth in assessed value and the Consumer Price Index. After checking all relevant information, the State Auditor provides the City of Springfield with a statement showing the tax rate ceiling, which is an amount that the levies cannot exceed without a vote of the people.

The projected levy for Fiscal Year 2023-2024 will be \$0.6200 per \$100 assessed valuation in the Proposed Budget. The actual levy may be adjusted in August, 2023, based on the tax levies provided by the State Auditor.

This Bill is presented as an emergency. City Council is not expected to vote on this bill after the first reading. The Bill is presented as an emergency to allow changes to the ordinance after the first reading and prior to final approval by City Council.

Submitted By: Teresa Allen, Budget Coordinator

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



Collin Quigley, Deputy City Manager 5/9/2023

- Attachments:**
1. FY24_Tax_Levy_Ord
 2. FY24_Tax_Levy_Exhibit_A_Public_Notice

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 05-16-23

Sponsored by: Hosmer

First Reading: _____

Second reading: _____

COUNCIL BILL 2023-121

SPECIAL ORDINANCE _____

AN ORDINANCE

1 SETTING a preliminary tax levy on real and personal property for current expenses
2 and debt retirement of the City of Springfield, Missouri, and its boards and
3 agencies, for the Fiscal Year beginning July 1, 2023, and ending June 30,
4 2024; and declaring an emergency.
5 _____
6

7 WHEREAS, with the adoption of the budget for the Fiscal Year beginning July 1,
8 2023, and ending June 30, 2024, generally referred to as "Fiscal Year 2023-2024," it is
9 necessary for City Council to set the preliminary tax levy on real and personal property;
10 and
11

12 WHEREAS, said tax levies are assessed on all real and personal property on the
13 tax rolls as of January 1, 2023; and
14

15 WHEREAS, the projected levy for Fiscal Year 2023-2024 is anticipated to be
16 \$0.6200 per \$100 of assessed valuation, although this levy may be adjusted by the State
17 Auditor in August of 2023; and
18

19 WHEREAS, the City of Springfield Public Hearing Notice regarding the levies
20 herein has been published, and a copy of said notice is attached hereto as "Exhibit A."
21

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

25 Section 1 – There is hereby levied for Fiscal Year 2023-2024, a tax upon the \$100
26 valuation of all real and personal property within, or having its taxable status within, the
27 corporation limits of the City subject to taxation, and upon the \$100 valuation of all
28 property in the City, subject to taxation and assessed to any railroad, telegraph,
29 telephone, street, railway, or bridge company, according to the last assessed valuation of
30 the said properties of such companies fixed by the following purposes:
31

32 (a) For municipal purposes as authorized by Article X Section 1 of the Constitution
33 of the State of Missouri and approved by the voters of the City, a rate of \$0.2667;

(b) For the establishment and maintenance of public parks in the City, for the aforesaid fiscal year, a rate of \$0.1868;

(c) For maintenance and operation of public health service in the City, for the aforesaid fiscal year, a rate of \$0.1274;

(d) For the establishment and maintenance of an art museum in the City, for the aforesaid fiscal year, a rate of \$0.0391.

These levies are subject to revision based on the levies certified by the Greene County Clerk.

Section 2 – City Council finds that the Director of Finance of the City has presented to City Council the following information:

(1) The assessed valuations by category of real, personal, and other tangible property for the preceding year and this year are as follows:

SOURCE	2022 FINAL VALUATION	2023 ESTIMATED VALUATION
Real Estate	\$2,793,337,603	\$2,877,137,731
State Assessed Utilities	30,768,800	31,691,864
Personal Property	707,061,887	<u>728,273,744</u>
Total	<u>\$3,531,168,800</u>	<u>\$3,637,103,339</u>

(2) The amount of revenue required to be produced from the property tax as set forth in the annual budget is \$24,367,289.

(3) The tax rates proposed to generate this revenue and their estimated yields are as follows:

PURPOSE	PROPOSED TAX LEVY	TOTAL
Art Museum	\$ 0.0391	\$ 1,536,785
Public Parks	0.1868	7,341,689
Public Health	0.1274	5,007,032
Municipal Purposes	<u>0.2667</u>	<u>10,481,783</u>
Total	<u>\$ 0.6200</u>	<u>\$ 24,367,289</u>

Section 3 – City Council finds that proper notice was published containing the information set forth in Section 2 above, and a public hearing has been held regarding the proposed rates of taxes.

80 Section 4 – Within such time so as to permit the aforesaid taxes to be extended
81 upon the assessment books, the levy so established herein shall be certified by the City
82 Clerk to the Director of Finance and to the County Collector of Greene County, Missouri,
83 who shall proceed to extend the aforesaid taxes for the year upon the assessment
84 books, in the appropriate columns. Furthermore, City Council expressly authorizes the
85 City Manager and City Clerk to take any and all actions necessary to carry out the intent
86 and purpose of this Ordinance.

87
88 Section 5 – City Council hereby finds and declares that an emergency exists in
89 that this Ordinance relates to the fixing of the preliminary tax rates for the Fiscal Year
90 beginning July 1, 2023. Therefore, this Ordinance shall be in full force and effect from
91 and after passage.

92
93 Passed at meeting: _____

94
95 _____
96 Mayor
97

98
99 Attest: _____, City Clerk

100
101 Filed as Ordinance: _____

102
103 Approved as to form: Jill Burris, Assistant City Attorney

104
105
106 Approved for Council action: Jason A. Hays, City Manager
107

CITY OF SPRINGFIELD PUBLIC HEARING NOTICE

SUBJECT: Setting tax levy for the City of Springfield budget for 2023-2024

DATE AND TIME: May 22, 2023 at 6:30 P.M.

PLACE: City Council Chambers, City Hall, 830 Boonville Avenue, Springfield, Missouri 65802

SUPPLEMENTAL INFORMATION: To provide citizens of the City of Springfield, Missouri, the opportunity to submit written and oral comments on the City's tax levy. Estimated assessed valuations for 2023 are:

<u>SOURCE</u>	<u>VALUATION</u>
Real Property	\$2,877,137,731
State Assessed Utilities	31,691,864
Personal Property	<u>728,273,744</u>
Total	<u>\$3,637,103,339</u>

The proposed City budget for 2023-2024 reflects the following yield on this estimated valuation:

<u>FUND</u>	<u>TAX LEVY</u>	<u>YIELD</u>	<u>SURTAX</u>	<u>TOTAL</u>
Art Museum	\$.0391	\$ 1,422,107	\$ 114,678	\$ 1,536,785
Public Parks	.1868	6,794,109	547,580	7,341,689
Public Health	.1274	4,633,670	373,362	5,007,032
Municipal Purposes	<u>.2667</u>	<u>9,700,155</u>	<u>781,628</u>	<u>10,481,783</u>
Total	<u>\$.6200</u>	<u>\$22,550,041</u>	<u>\$1,817,248</u>	<u>\$24,367,289</u>

The City of Springfield tax levies will be finalized in August 2023 when the Greene County Clerk provides the City with the certified levy amounts.

Address written comments to Anita Cotter, City Clerk, P. O. Box 8368, Springfield, MO 65801-8368. Written comments received before or at the hearing will be in the hearing record.

Anita Cotter, City Clerk
City of Springfield, Missouri



EXPLANATION TO COUNCIL BILL 2023-120 (CARROLL)

FILED: 04/29/2023

ORIGINATING DEPARTMENT: Finance

TITLE: A special ordinance adopting a budget for the City of Springfield, Missouri, for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024; providing that certain amounts shown in the budget document are appropriated for the various departments specified in said budget; and declaring an emergency.

PURPOSE: To adopt the Fiscal Year 2023-2024 Budget for the City of Springfield and declare an emergency.

BACKGROUND INFORMATION: The Finance Department recommends the adoption of a Proposed Budget totaling \$495,690,888 as submitted by the City Manager, which is available on-line through the City's website and a copy is on file with the City Clerk's office, entitled "CITY OF SPRINGFIELD PROPOSED ANNUAL BUDGET, Fiscal Year 2023–2024." The proposed budget was reviewed and discussed by City Council on April 25, 2023; May 2, 2023; May 9, 2023; and May 16, 2023. There was opportunity for public input at a public hearing held on May 22, 2023.

The proposed budget revenues and appropriations are detailed in "Exhibit A" of the Ordinance.

This Ordinance is presented as an emergency as it relates to and meets the requirements of adopting a budget for the City. City Council is not expected to vote on this Ordinance after the first reading. The Ordinance is presented as an emergency to allow changes to the Ordinance after the first reading and prior to final approval by City Council.

Submitted By: Teresa Allen, Budget Coordinator

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

Collin Quigley, Deputy City Manager 5/9/2023

Attachments:

1. Budget FY24_Ord
2. FY2024 Budget REVISED 05.16.23

One-rdg. _____
P. Hrngs. _____
Pgs. 7
Filed: 05-16-23

Sponsored by: Carroll

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-120

SPECIAL ORDINANCE _____

AN ORDINANCE

1 ADOPTING a budget for the City of Springfield, Missouri, for the Fiscal Year beginning
2 July 1, 2023, and ending June 30, 2024; providing that certain amounts
3 shown in the budget document are appropriated for the various
4 departments specified in said budget; and declaring an emergency.
5 _____
6

7 WHEREAS, the City Manager has submitted a budget to City Council for the
8 Fiscal Year beginning July 1, 2023, and ending June 30, 2024, generally referred to as
9 "Fiscal Year 2023-2024"; and
10

11 WHEREAS, a public hearing was held on the budget on May 22, 2023.
12

13 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
14 SPRINGFIELD, MISSOURI, as follows, that:
15

16 Section 1 – A budget for Fiscal Year 2023-2024 for the City of Springfield,
17 Missouri, entitled "CITY OF SPRINGFIELD PROPOSED ANNUAL BUDGET, Fiscal
18 Year 2023-2024" ("Budget"), a copy of which is on file with the City Clerk, providing total
19 revenues of \$495,690,888 and appropriations for all funds of \$495,690,888, is hereby
20 adopted. Budgeted revenues and appropriations for Fiscal Year 2023-2024 are detailed
21 in "Exhibit A," which is attached hereto and incorporated herein by reference.
22

23 Section 2 – The lease obligations under various agreements between the City
24 and the Public Building Corporation of the City of Springfield, Missouri, as well as all
25 other similar lease obligations subject to annual appropriations, are hereby authorized
26 for renewal for Fiscal Year 2023-2024, and the funds for such payments as set forth in
27 the Budget stand appropriated.
28

29 Section 3 – From July 1, 2023, the effective date of the Budget, the amounts
30 shown in the Budget as adopted are hereby appropriated for the various departments,
31 offices, and agencies specified therein. All Fiscal Year 2023-2024 expenditures of the
32 City shall be limited to the appropriations provided for the departments, offices, and
33 agencies, as detailed in the Budget, unless further appropriations are made by City

Council.

Section 4 – The City Manager is directed to cause the proper accounting entries to be made in the books and records of the City so as to reflect the revenues and appropriations for Fiscal Year 2023-2024, and is further directed to file a certified copy of the adopted Budget for said fiscal year with the City Clerk.

Section 5 – The City Council hereby finds and declares that an emergency exists in that this Ordinance relates to the adoption of a budget for the City for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, and providing revenues and appropriations for the various functions and activities of City government. Therefore, this Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

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

Revenues

Schedule of Actual and Projected Revenues and Resources (All Funds Types):

FY2023-24 Proposed Budget

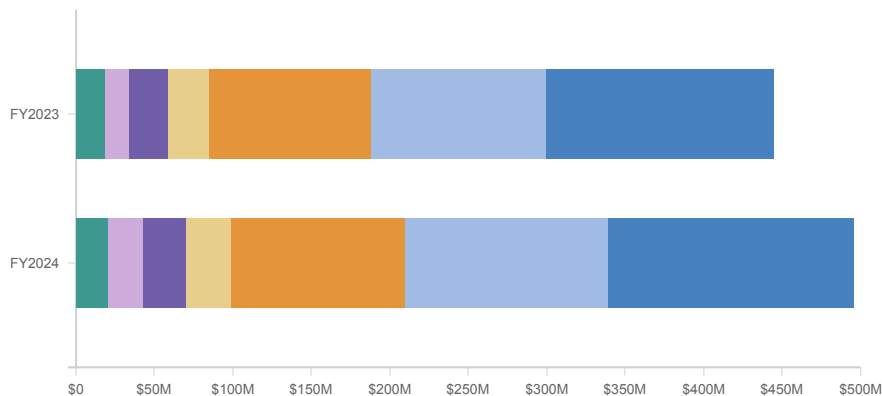


CITY OF SPRINGFIELD CITY CHARTER

SECTION 5.8(1)

The budget shall provide:

An itemized statement of estimated revenues from all sources for the year which the budget is to cover, together with a comparative statement of revenues for the last completed fiscal year and the year in progress.



\$495,690,888.10

FUND TYPE in FY2024

REVENUES BY FUND TYPE

	2021-22 Actual	2022 - 23 Adopted Budget	2023-24 Proposed Budget
GENERAL FUND	\$99,585,247	\$102,162,332	\$110,184,867
SPECIAL REVENUE FUNDS	\$143,528,354	\$145,088,085	\$156,493,712
GRANT REVENUE FUNDS	\$11,158,158	\$15,851,110	\$22,712,153
CAPITAL PROJECTS FUNDS	\$27,647,135	\$24,587,500	\$27,482,500
DEBT SERVICE FUNDS	\$21,988,058	\$18,120,743	\$19,763,393
ENTERPRISE FUNDS	\$109,754,963	\$112,634,560	\$130,073,193
INTERNAL SERVICE FUNDS	\$21,798,173	\$26,490,140	\$28,981,070
TOTAL	\$435,460,087	\$444,934,471	\$495,690,888

ALL REVENUES DETAILS

	2021-22 Actual	2022 - 23 Adopted Budget	2023-24 Proposed Budget
CHARGES AND FEES			
AVIATION FUEL SALES	\$6,131,791	\$5,040,000	\$6,508,500
CHARGES FOR SERVICES	\$73,997,640	\$77,787,436	\$82,567,000
RENTALS	\$7,314,396	\$7,909,600	\$8,726,936
SALE OF GOODS	\$2,455,893	\$1,794,182	\$2,396,544
USER FEES	\$25,469,098	\$26,107,282	\$27,694,547
CHARGES AND FEES TOTAL	\$115,368,819	\$118,638,500	\$127,893,527
INTERGOVERNMENTAL			
GASOLINE TAX	\$4,718,910	\$5,200,000	\$6,100,000
GRANT REVENUE	\$24,682,994	\$22,173,804	\$28,853,331
GREENE COUNTY	\$2,028,028	\$2,075,000	\$2,260,000
STATE OF MISSOURI	\$2,323,327	\$2,350,000	\$2,450,000
INTERGOVERNMENTAL TOTAL	\$33,753,259	\$31,798,804	\$39,663,331
LICENSES AND FINES			
COURT COSTS	\$495,830	\$362,000	\$362,000
FINES AND FORFEITURES	\$756,039	\$681,000	\$720,000
OCCUPATIONAL LICENSES	\$5,438,391	\$4,554,500	\$5,602,500
PERMITS	\$2,310,118	\$2,332,500	\$2,270,555
LICENSES AND FINES TOTAL	\$9,000,378	\$7,930,000	\$8,955,055
OTHER REVENUES			
BOND AND LOAN PROCEEDS	-\$1,467,061	\$345,000	\$17,000
INTEREST	\$3,898,867	\$1,283,217	\$1,396,977
OTHER MISC	\$18,965,072	\$10,531,095	\$20,774,721
RESERVE	\$0	\$16,833,492	\$15,758,942
SPECIAL ASSESSMENT TAX BILL	\$201,951	\$399,500	\$293,500
TRANSFERS	\$38,812,923	\$38,107,635	\$41,827,626
OTHER REVENUES TOTAL	\$60,411,753	\$67,499,939	\$80,068,766
TAXES			
CIGARETTE TAX	\$614,871	\$645,000	\$580,000
GROSS RECEIPTS TAX	\$4,842,311	\$4,770,000	\$4,784,000
PAYMENT IN LIEU OF TAXES	\$17,849,465	\$17,576,500	\$18,531,000
PROPERTY TAX	\$23,671,988	\$23,827,822	\$25,276,671
SALES TAX	\$147,923,444	\$149,260,490	\$165,834,238
SPECIAL TAXING DISTRICTS	\$4,677,123	\$5,024,500	\$5,219,500
TOURISM	\$3,323,474	\$3,256,916	\$3,794,800
USE TAX	\$14,023,201	\$14,706,000	\$15,090,000
TAXES TOTAL	\$216,925,878	\$219,067,228	\$239,110,209
TOTAL	\$435,460,087	\$444,934,471	\$495,690,888

Expenditures

Summary of Expenditures and Appropriations (All Fund Types):

FY2023-24 Proposed Budget

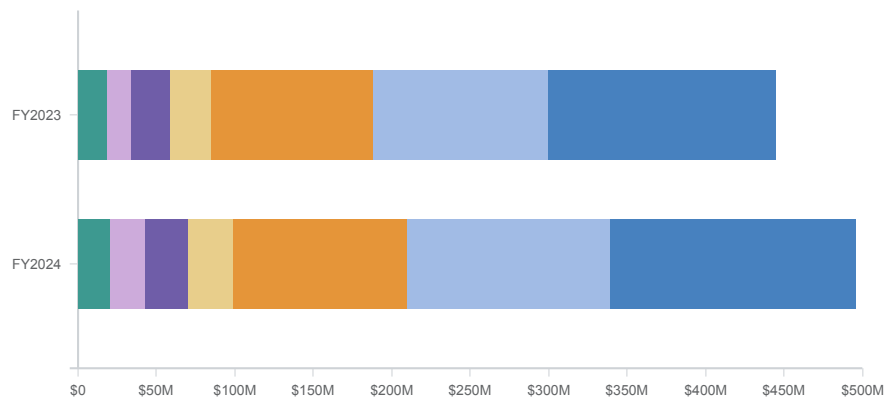


CITY OF SPRINGFIELD CITY CHARTER

SECTION 5.8(2)

The budget shall provide:

An itemized statement of expenditures recommended by the City Manager for each office, department or agency for the year which the budget is to cover, together with a comparative statement of expenditures for the last completed fiscal year and the year in progress.



\$495,690,888.05

FUND TYPE in FY2024

GENERAL FUND ONLY

	2021-22 Actual	2022 - 23 Adopted Budget	2023-24 Proposed Budget
BUILDING DEVELOPMENT SERVICES	\$3,795,199	\$3,682,147	\$4,047,136
CITY ATTORNEY	\$2,267,805	\$2,403,382	\$2,527,456
CITY CLERK	\$486,752	\$669,569	\$740,745
CITY MANAGER	\$2,057,157	\$7,089,808	\$6,346,131
FINANCE	\$8,016,082	\$7,899,222	\$9,036,564
FIRE	\$21,916,026	\$24,125,948	\$25,446,323
HEALTH	\$83,171	\$130,500	\$130,500
HUMAN RESOURCES	\$1,850,767	\$2,166,876	\$2,519,442
INFORMATION SYSTEMS	\$4,215,146	\$4,652,878	\$4,953,169
MAYOR AND COUNCIL	\$155,210	\$210,676	\$329,978
MUNICIPAL COURT	\$1,711,877	\$1,811,811	\$2,181,843
PARKS	\$97,786	\$90,000	\$100,000
PLANNING & DEVELOPMENT	\$1,902,018	\$2,305,399	\$2,367,628

	2021-22 Actual	2022 - 23 Adopted Budget	2023-24 Proposed Budget
POLICE	\$29,663,485	\$32,069,199	\$34,640,023
PUBLIC INFORMATION	\$643,767	\$852,229	\$1,639,669
PUBLIC WORKS	\$8,710,776	\$10,856,130	\$12,256,232
WORKFORCE DEVELOPMENT	\$73,978	\$75,000	\$75,000
ECONOMIC VITALITY	\$578,338	\$1,071,559	\$847,029
TOTAL	\$88,225,340	\$102,162,332	\$110,184,867

ALL FUNDS

	2021-22 Actual	2022 - 23 Adopted Budget	2023-24 Proposed Budget
GENERAL FUND	\$88,225,340	\$102,162,332	\$110,184,867
SPECIAL REVENUE FUNDS			
ART MUSEUM	\$2,154,456	\$2,000,390	\$2,147,527
COMMUNITY IMPROVEMENT DISTRICTS	\$2,043,833	\$2,244,000	\$2,574,000
CONVENTION AND VISITORS BUREAU	\$3,994,838	\$4,199,300	\$4,321,700
EMERGENCY COMMUNICATIONS	\$5,996,112	\$7,097,465	\$9,337,632
HOTEL/MOTEL TAX	\$4,516,294	\$3,256,916	\$3,794,800
LAW ENFORCEMENT SALES TAX	\$7,612,919	\$11,252,286	\$10,566,166
LEVEL PROPERTY TAX	\$4,536,960	\$5,617,157	\$6,112,228
MISCELLANEOUS SPECIAL REVENUE	\$994,968	\$3,359,551	\$3,000,215
POLICE SPECIAL REVENUE	\$1,520,999	\$2,779,112	\$2,867,835
PUBLIC HEALTH SERVICES	\$13,919,308	\$9,360,461	\$9,332,412
PUBLIC PARKS	\$35,840,815	\$32,256,253	\$36,507,296
PUBLIC SAFETY PENSION SALES TAX	\$42,813,789	\$41,975,275	\$46,215,000
PUBLIC WORKS - TRANSPORTATION	\$11,525,925	\$16,900,000	\$17,400,000
ROAD AND BRIDGE MAINTENANCE	\$2,407,114	\$2,100,000	\$2,300,000
VIDEO SERVICE PROVIDER	\$731,208	\$689,919	\$16,900
SPECIAL REVENUE FUNDS TOTAL	\$140,609,538	\$145,088,085	\$156,493,711
GRANT REVENUE FUNDS			
COMMUNITY DEVELOPMENT	\$2,586,984	\$7,048,244	\$7,221,453
FIRE GRANTS	\$9,995	\$0	\$0
POLICE GRANTS	\$2,424,442	\$731,720	\$769,198
PUBLIC HEALTH GRANTS	\$941,695	\$920,574	\$938,283
WIC PROGRAM	\$1,457,743	\$1,765,415	\$1,832,977
WORKFORCE DEVELOPMENT	\$4,219,201	\$5,385,157	\$11,950,243
GRANT REVENUE FUNDS TOTAL	\$11,640,061	\$15,851,110	\$22,712,154
CAPITAL PROJECTS FUNDS			
CAPITAL IMPROVEMENTS SALES TAX	\$10,541,030	\$13,992,000	\$15,405,000
TRANSPORTATION SALES TAX	\$6,166,097	\$6,996,000	\$7,702,500
PUBLIC WORKS/OTHER IMPROVEMENTS	\$9,651,164	\$3,599,500	\$4,375,000
CAPITAL PROJECTS FUNDS TOTAL	\$26,358,291	\$24,587,500	\$27,482,500
DEBT SERVICE FUNDS			
GENERAL OBLIGATION BONDS	\$974,743	\$1,149,500	\$793,500
LEASEHOLD REVENUE BONDS	\$10,887,183	\$9,246,243	\$10,034,393
SPECIAL OBLIGATION BONDS	\$7,948,935	\$7,725,000	\$8,935,500
DEBT SERVICE FUNDS TOTAL	\$19,810,860	\$18,120,743	\$19,763,393
ENTERPRISE FUNDS			
AIRPORT	\$24,466,994	\$39,218,800	\$48,356,193
CLEAN WATER SERVICES	\$41,599,365	\$58,750,000	\$63,517,000
GOLF	\$3,369,969	\$3,665,760	\$3,950,000
SOLID WASTE	\$13,315,524	\$11,000,000	\$14,250,000
ENTERPRISE FUNDS TOTAL	\$82,751,852	\$112,634,560	\$130,073,193
INTERNAL SERVICE FUNDS			
PRINT SHOP	\$205,257	\$251,681	\$256,570
SELF-INSURANCE	\$24,511,330	\$21,338,459	\$23,567,000
SERVICE CENTER	\$3,344,423	\$4,900,000	\$5,157,500
INTERNAL SERVICE FUNDS TOTAL	\$28,061,010	\$26,490,140	\$28,981,070
TOTAL	\$397,456,951	\$444,934,471	\$495,690,888



EXPLANATION TO COUNCIL BILL 2023-122 (LEE)

FILED: 05/04/2023

ORIGINATING DEPARTMENT: Finance

TITLE: A special ordinance amending the General Fund budget for the Fire Department of the City of Springfield, Missouri, for Fiscal Year 2022-2023, in the amount of \$245,000 to appropriate a portion of the General Fund carryover funds to complete a Fire Department facility renovation project previously approved for Fiscal Year 2022-2023.

PURPOSE: Amending the General Fund budget for the Fire Department for the City of Springfield, Missouri, for Fiscal Year 2022-2023, by appropriating a portion of the accumulated carryover funds and increasing expenses in the amount of \$245,000 for the purpose of completing a Fire Department facility renovation project previously approved, for Fiscal Year 2022-2023.

BACKGROUND INFORMATION: The Fiscal Year 2022-2023 Fire Department budget included a one-time appropriation to provide for the renovation of a fire station for the purpose of temporarily relocating Fire Department Headquarters ("FDH") from Historic City Hall to Fire Station No. 6 and to create offices and workspace for Fire Administration, incorporating locations for the Fire Chief, Chief Officers, and administrative staff. After further study and review, it was determined to permanently relocate FDH to Fire Station No. 6, requiring extensive renovations and repairs to the existing fire station. This allows for other offices/departments to utilize the first floor of Historic City Hall after the upcoming renovations to the building.

The cost for this project exceeds the project estimate and the previously appropriated budget, requiring an additional \$245,000 budget adjustment to the Fire Department budget.

REMARKS: Fire Department Headquarters and Administrative Offices were relocated in the fall of 2022 due to building conditions at Historic City Hall and remain dispersed in temporary office spaces pending the completion of this project.

Submitted By: David Holtmann, Director of Finance

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

Collin Quigley, Deputy City Manager 5/9/2023

Attachments:

1. FY2023 Carryover Budget Adjustment_ord
2. FY2023 Carryover Budget Adjustment

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 05-16-23

Sponsored by: Lee

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-122

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the General Fund budget for the Fire Department of the City of
2 Springfield, Missouri, for Fiscal Year 2022-2023, in the amount of
3 \$245,000 to appropriate a portion of the General Fund carryover
4 funds to complete a Fire Department facility renovation project
5 previously approved for Fiscal Year 2022-2023.
6 _____
7

8 WHEREAS, the Fiscal Year 2022-2023 Fire Department budget included a one-
9 time appropriation to provide for the renovation of a fire station to temporarily relocate
10 Fire Department Headquarters from Historic City Hall to Fire Station No. 6; and
11

12 WHEREAS, after further study and review, Fire Department Headquarters will be
13 permanently relocated to Fire Station No. 6, which relocation requires extensive
14 renovations and repairs to the fire station; and
15

16 WHEREAS, the cost for this project exceeds the project estimate and the
17 previously appropriated budget; and
18

19 WHEREAS, the City wishes to amend the Fire Department budget for Fiscal
20 Year 2022-2023 in the amount of \$245,000 to complete this project.
21

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

25 Section 1 – The General Fund budget for the Fire Department for Fiscal Year
26 2022-2023 is hereby amended in the accounts and in the amounts shows on Budget
27 Adjustment No. 057, which is attached hereto and incorporated herein by this reference
28 as “Exhibit A.”
29

30 Section 2 – This Ordinance shall be in full force and effect from and after
31 passage.
32

33 Passed at meeting: _____

34
35
36
37
38
39
40
41
42
43
44
45

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Bunn, Assistant City Attorney

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

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
057

Revenues:

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

Expenditures:

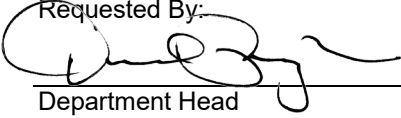
Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	10	15010	509110	103197	00000	\$ 245,000	Fire department headquarters relocation
Net Expenditure Adjustment						\$ 245,000	

Fund Balance Appropriation:

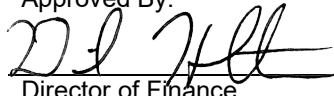
Fund	Title	Amount
10110	General Fund - Fund Balance	\$ (245,000)

Explanation: To amend the FY2022-23 budget by appropriating General Fund accumulated carryover fund balance for the permanent relocation of the Fire Department headquarters and administrative office from historic city hall to Fire Station No. 6.

Requested By:


Department Head 5-16-2023
Date

Approved By:


Director of Finance 5-16-2023
Date

City Manager

Date

Authorization:

Council Bill No. 2023-122
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-123 (HOSMER)

FILED: 05/04/2023

ORIGINATING DEPARTMENT: Parks

TITLE: A special ordinance amending the Park Board's Fiscal Year 2022-2023 operating budget by increasing both revenue and expenses in the amount of \$1,900,000 to allocate \$1,300,000 of revenue and associated offsetting expense items from Parks 2001 and 2006 Sales Tax Funds, \$250,000 within the Parks General Fund, \$80,000 in reimbursements from insurance claims, and \$270,000 of revenue and associated expense items within the Golf Fund, respectively.

PURPOSE: Amending the Park Board's Fiscal Year 2022-2023 operating budget by increasing both revenue and expenses in the amount of \$1,900,000 to allocate \$1,300,000 of revenue and associated offsetting expense items from Parks 2001 and 2006 Sales Tax Funds, \$250,000 within the Parks General Fund, \$80,000 in reimbursements from insurance claims, and \$270,000 of revenue and associated expense items within the Golf Fund, respectively.

BACKGROUND INFORMATION: During the fiscal year, actual revenues and expenditures can vary from the operating budget estimates developed prior to the start of the fiscal year. As a result, a budget adjustment is typically submitted to City Council to recognize these differences and adjust the Parks Budget at or near the close of each fiscal year. During Fiscal Year 2022-2023, the sales tax revenues generated from the 2001 and 2006 Parks Sales Tax Funds will exceed the amount budgeted by Parks by approximately \$1,300,000 (rounded estimate). This additional revenue will be used to offset expense items from the 2001 and 2006 Park Sales Tax Budgets. In addition, during Fiscal Year 2022-2023, the Parks Property Mil Tax revenue is expected to exceed the budget by at least \$250,000. This additional revenue will be used to offset expense items within the Park General Fund. During the current fiscal year, it became necessary to utilize contract management services to employ the volume of temporary employees needed to staff both Parks and Golf facilities. In addition, the Golf Fund revenues will exceed the amount budgeted by Parks by approximately \$270,0000 (rounded estimate). This additional revenue will be used to offset expense items in the Golf Fund. Finally, for Fiscal Year 2022-2023, \$80,000 was received in insurance reimbursement revenue to cover the cost of various repairs throughout the Parks Department. This revenue will be used to offset the cost of these repairs which were incurred as a result of severe weather events.

Submitted By: Lana Woolsey, Assistant City Attorney

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



Maurice S. Jones, Deputy City Manager 5/15/2023

Attachments:

1. Parks End-of-Year Budget Adjustment_ord
2. Parks End-of-Year Budget Adjustment_Exh A

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 05-16-23

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023 -123

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Park Board's Fiscal Year 2022-2023 operating budget by increasing
2 both revenue and expenses in the amount of \$1,900,000 to allocate
3 \$1,300,000 of revenue and associated offsetting expense items from
4 Parks 2001 and 2006 Sales Tax Funds, \$250,000 within the Parks
5 General Fund, \$80,000 in reimbursements from insurance claims, and
6 \$270,000 of revenue and associated expense items within the Golf Fund,
7 respectively.
8 _____
9

10 WHEREAS, during a fiscal year, various events occur resulting in revenue and
11 expenses which were not anticipated at the time the budget was developed; and
12

13 WHEREAS, for efficiency purposes these adjustments to the budget are typically
14 handled toward the end of the fiscal year or shortly thereafter; and
15

16 WHEREAS, the Fiscal Year 2022-2023 operating budget for the Park Board
17 needs to be adjusted for reimbursements and associated offsetting expense items.
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 Park Board's Budget for Fiscal Year 2022-2023 is hereby
23 amended in the accounts and in the amounts as shown on Budget Adjustment No. 056,
24 a copy of which is attached hereto and incorporated herein by this reference as “Exhibit
25 A.”
26

27 Section 2 – City Council finds the budget adjustment has been recommended by
28 the Park Board and the City Manager and that the budget adjustment made herein is
29 necessary to reconcile differences between budgeted revenues and expenditures and
30 actual revenues and expenditures.
31

32 Section 3 – City Council hereby directs the City Manager to cause the
33 appropriate accounting entries to be made in the books and records of the City.

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

36
37 Passed at meeting: _____

38
39 _____
40 Mayor

41
42 Attest: _____, City Clerk

43
44 Filed as Ordinance: _____

45
46 _____
47 Approved as to form: _____, Assistant City Attorney

48
49 _____
50 Approved for Council action: _____, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
056

Revenues:

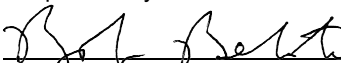
Fund	Dept	Org	Account	P&G	Location	Amount	Description
20120	16	80020	401510	00000	00000	\$ 650,000	Parks 2001 Sales Tax Revenue
20130	16	80030	401510	00000	00000	650,000	Parks 2006 Sales Tax Revenue
20110	16	80010	401030	00000	00000	250,000	Parks Property Mil Tax Revenue
57010	16	25010	412020	00000	10170	70,000	Horton Smith Golf Course Activity Fees
57010	16	25010	412020	00000	10355	100,000	Rivercut Golf Course Activity Fees
57010	16	25010	412020	00000	10410	100,000	Bill and Payne Stewart Golf Course Activity Fees
20110	16	80010	414110	00000	00000	80,000	Reimbursements
Net Revenue Adjustment						\$ 1,900,000	

Expenditures:

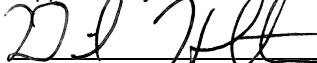
Fund	Dept	Org	Account	P&G	Location	Amount	Description
20120	16	80020	504620	00000	00000	\$ 400,000	Contract Services: Mgmt of Temporary Parks Employees
20130	16	80030	504620	00000	00000	400,000	Contract Services: Mgmt of Temporary Parks Employees
57010	16	25010	504620	00000	10355	25,000	Contract Services: Mgmt of Temporary Parks Employees
57010	16	25010	504620	00000	10410	20,000	Contract Services: Mgmt of Temporary Parks Employees
57010	16	25010	504620	00000	10169	20,000	Contract Services: Mgmt of Temporary Parks Employees
57010	16	25010	501130	00000	10355	10,000	Chemicals and Lab Supplies - Rivercut Golf Course
57010	16	25010	501130	00000	10410	10,000	Chemicals and Lab Supplies - Stewart Golf Course
57010	16	25010	501130	00000	10355	10,000	Chemicals and Lab Supplies - Horton Smith Golf Course
57010	16	25010	507520	00000	10410	35,000	Inventory Purchases - Stewart Golf Course Pro Shop
57010	16	25010	507520	00000	10170	10,000	Inventory Purchases - Horton Smith Golf Pro Shop
57010	16	25010	507520	00000	10355	35,000	Inventory Purchases - Rivercut Golf Course Pro Shop
57010	16	25010	501260	00000	10170	5,000	Operating Supplies - Horton Smith Golf Pro Shop
57010	16	25010	501160	00000	10410	10,000	Operating Supplies - Stewart Golf Course Pro Shop
57010	16	25010	501160	00000	10355	10,000	Operating Supplies - Rivercut Golf Pro Shop
57010	16	25010	504580	00000	10354	10,000	Other Professional Services - Rivercut Golf Course
57010	16	25010	504580	00000	10409	10,000	Other Professional Services - Stewart Golf Course
57010	16	25010	504580	00000	10169	10,000	Other Professional Services - Horton Smith Golf Course
57010	16	25010	504620	00000	10355	17,500	Food and Beverage Supplies - Rivercut Pro Shop
57010	16	25010	504620	00000	10410	17,500	Food and Beverage Supplies - Stewart Pro Shop
57010	16	25010	504620	00000	10169	5,000	Food and Beverage Supplies - Horton Smith Pro Shop
20110	16	80010	502430	00000	00000	3,000	Reserve Fund Balance Appropriation
20110	16	80010	504580	00000	00000	50,000	Other Professional Services
20110	16	80020	508220	00000	00000	22,000	Other Improvements - Meador Park
20110	16	87510	501110	00000	00000	40,000	Building Materials - Dickerson Park Zoo
20110	16	80520	504580	00000	00000	65,000	Other Professional Services - Park Operations
20110	16	82570	505520	00000	10192	50,000	Gas - Jordan Valley Ice Park
20110	16	82570	505510	00000	10192	50,000	Electric - Jordan Valley Ice Park
20110	16	82550	505510	00000	10065	50,000	Electric - Chesterfield Family Center
20120	16	80520	502760	00000	00000	53,000	Plant Equipment Repairs - Park Operations
20120	16	82550	502710	00000	10065	75,000	Building Repairs - Chesterfield Family Center
20120	16	80510	505560	00000	00000	50,000	Water - Park Operations
20120	16	80510	505540	00000	00000	22,000	Sewer - Park Operations
20120	16	80040	501220	00000	00000	50,000	Non-Capital Computer Hardware - Security Upgrades
20130	16	80040	501230	00000	00000	50,000	Non-Capital Computer Software - Security Upgrades
20130	16	87510	505560	00000	00000	20,000	Water - Dickerson Park Zoo
20130	16	87510	502710	00000	00000	40,000	Building Repairs - Dickerson Park Zoo
20130	16	80510	501260	00000	00000	30,000	Operating Supplies - Park Operations
20130	16	80520	501280	00000	00000	25,000	Plumbing and Electrical - Park Operations
20130	16	80520	504580	00000	00000	44,000	Other Professional Services - Park Operations
20130	16	80520	501200	00000	00000	25,000	Repair Maintenance Supplies - Park Operations
20130	16	80010	502430	00000	00000	16,000	Reserve Fund Balance Appropriation
Net Expenditure Adjustment						\$ 1,900,000	

Explanation: To amend the FY2022-23 budget by appropriating Parks 2001 and 2006 Sales Tax, Golf Fund revenue and reimbursements received in excess of budget for the fiscal year ending June 30, 2023.

Requested By:

 5-16-2023
Department Head Date

Approved By:

 5-16-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-123
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2023-124 (LEE)

FILED: 05/03/2023

ORIGINATING DEPARTMENT: Art Museum

TITLE: A special ordinance approving the amended bylaws of the Art Museum Board of the City of Springfield, Missouri.

PURPOSE: Approve amended bylaws of the Art Museum Board of the City of Springfield, Missouri.

BACKGROUND INFORMATION: Section 15.15(3) of the City Charter grants to the Art Museum Board the power to “[a]dopt, subject to the approval of the council, such bylaws, rules, and regulations for the control, management, and government of the facilities, properties, and institutions entrusted to their care; such rules, regulations, and bylaws shall, when approved by the council, have the force and effect of ordinances and may provide the punishment for their violation.” The current bylaws of the Art Museum Board were adopted on August 28, 1973, and were last amended December 14, 1994. The Art Museum Board voted to update and amend its bylaws at their regular meeting on April 20, 2023. Among these amendments include allowing for Board meeting participation by teleconference or videoconference, restructuring of Art Museum Board standing committees, revisions to the duties of Art Museum Board Officers, eliminating redundant or obsolete sections, and updating to more inclusive language. By Charter, the City Council must approve the amended bylaws for them to become effective. The amended bylaws are attached as “Exhibit A.” A summary of the changes is attached as “Exhibit B.”

Submitted By: Nick Nelson, Director of Art Museum

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

Maurice S. Jones, Deputy City Manager 5/15/2023

Attachments:

1. Art Museum bylaws_ord
2. Exhibit A- SAM Bylaws - Board Approved 4-20-23
3. Exhibit B- Summary of Proposed Bylaw Changes 3.16.23

One rdg. _____
P. Hrngs. _____
Pgs. 13
Filed: 05-16-23

Sponsored by: Lee

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-124

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the amended bylaws of the Art Museum Board of the City of Springfield,
2 Missouri.
3 _____
4

5 WHEREAS, Section 15.15(3) of the Springfield City Charter grants administrative
6 boards of the City of Springfield, Missouri, the power to adopt bylaws; and
7

8 WHEREAS, on April 20, 2023, the Art Museum Board of the City of Springfield,
9 Missouri, voted to update and approve amendments to its bylaws originally adopted on
10 August 28, 1973, and most recently amended on December 14, 1994; and
11

12 WHEREAS, the Springfield City Charter requires Council approval for the
13 amended bylaws to be effective.
14

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

18 Section 1 – City Council hereby approves the amended bylaws of the Art
19 Museum Board of the City of Springfield, Missouri, a copy of which is attached hereto
20 and incorporated herein by reference as “Exhibit A.”
21

22 Section 2 – This Ordinance shall be in full force and effect from and after
23 passage.
24

25 Passed at meeting: _____
26

27 _____
28 Mayor
29

30 Attest: _____, City Clerk
31
32

33 Filed as Ordinance: _____
34

35
36 Approved as to form: Jill Bennis, Assistant City Attorney
37

38
39 Approved for Council action: Jason A. Hage, City Manager

BYLAWS OF THE SPRINGFIELD, MISSOURI ART MUSEUM BOARD

Adopted August 28, 1973

Amended December 1, 1976; September 15, 1982; February 20, 1985; April 16, 1986;
December 14, 1994, _____, 2023

ARTICLE I - THE BOARD

Section 1 – Name of the Board. The Administrative Board established by Section 15.20 of Article XV of the Constitutional Charter of the City of Springfield, Missouri, shall be known as the Art Museum Board of Springfield, Missouri.

Section 2 – Duties of the Board. The Art Museum shall have charge of and operate the City Art Museum in accordance with the provisions of Section 15.20 of the City Charter. Other duties of the Administrative Board are spelled out in Section 15.15 of the City Charter. All sales and transfers of Museum property must have Board approval.

ARTICLE II – OFFICERS AND COMMITTEES

Section 1 – In General. The Board shall have the following officers: A chair, a vice-chair, and a secretary, who shall be selected from the Board members who have an ongoing term of at least one-year.

Section 2 – Election of Officers. The Board shall organize annually at its first meeting after the first day of July, at which meeting the Board shall elect, based on nominations submitted by the Executive Committee, the officers of the Board by a majority vote. Elections for each office shall be by paper or electronic ballot unless only one Board member is nominated for the office, in which case election may be by voice vote. Officers shall serve for a term of one year.

Section 3 – The Chair. The Chair shall preside at all meetings of the Board. Except as otherwise authorized by the Board, the Chair shall sign all contracts and other instruments made or entered into by the Board. The Chair shall also serve as the chair of the Executive Committee. The Chair may vote on all matters as a member of the Board.

Section 4 – The Vice-Chair. The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair, and, should the office of the Chair become vacant, the Vice-Chair shall perform the duties of the Chair until the Board selects a new Chair. The Vice-Chair shall serve as the chair of the Strategic Planning Committee and shall perform such other duties as the Executive Committee may from time to time prescribe.

Section 5 – The Secretary. The Secretary shall keep the records of the Board and shall act as Secretary at all Board and Executive Committee meetings. The Secretary shall oversee the orientation of new Board members and shall perform such other duties as the Executive Committee may from time to time prescribe.

Section 6 – The Executive Committee. The Executive Committee shall consist of the Chair, Vice-Chair, and Secretary. The Art Museum's Director shall serve as a non-voting ex officio

member of the Executive Committee. Members of the Executive Committee shall serve until their successors to their offices are elected or appointed. Actions taken by the Executive Committee shall be reported to the Board at the next succeeding regular meeting of the Board. The Executive Committee shall appoint members to the standing and ad hoc committees.

Section 7 – The Standing Committees. The following standing committees will be appointed within the month following the annual reorganization meeting: Acquisitions, Budget and Finance, Building and Grounds, and Strategic Planning. In addition to the standing committees, the Executive Committee may appoint one or more ad hoc committees to carry out specific functions. The functions of all ad hoc committees shall be approved in advance by the Executive Committee, provided, however, that all such ad hoc committees appointed during any given fiscal year shall automatically expire and cease to exist at the end of such fiscal year, unless the Executive Committee votes to renew them for an additional year. The duties of all committees shall be to confer regularly with the Director and advise the Board.

Section 7.1 Acquisitions. The committee on Acquisitions shall consist of five members. Three shall be from the Art Museum Board, one of whom shall be the current Chair, and two members shall be from the art community. In addition to conferring with the Curator of Art on acquisitions, this committee shall review periodically the adequacy of storage and preservation methods and facilities of the permanent collection.

Section 7.2 Budget and Finance. The committee on Budget and Finance shall review financial reports, budgets, and other data to assure sound operations and adequate financial controls and planning.

Section 7.3 Building and Grounds. The Building and Grounds Committee shall monitor, review, and recommend action to the Art Museum Board as to maintenance, repair and development of the Museum's facilities and grounds.

Section 7.4 Strategic Planning. The Strategic Planning Committee shall ensure that a comprehensive and long-range plan approved by the Board is in place at all times and shall monitor performance within the strategic plan. The long-range plan shall be revised and updated at least every three years by identifying issues for the successful future of the Museum.

Section 8 – Holding Over. Any officer elected by the Board shall hold the position until the officer's successor shall have been elected to office.

Section 9 – Vacancy. Should any office of the Board become vacant, the Board shall elect a successor at its next regular meeting to serve for the balance of the unexpired term.

ARTICLE III – MEETINGS

Section 1 – Regular Meetings. Regular monthly meetings of the Board shall be held at such time, date, and place in the City of Springfield, Missouri, as may be established by the Board. The

Executive Committee, by majority vote, may cancel a regular meeting of the Board. All meetings shall be held in compliance with The Missouri Sunshine Law.

Section 2 – Quorum. Five members of the Board shall constitute a quorum for the purpose of conducting business. When a quorum is in attendance, the Board may act upon a vote of the majority of the duly appointed members then constituting the Board. Any or all Board members may participate in a meeting of the Board by means of a conference telephone or video, or any means of communication by which all persons participating in the meeting can hear each other, and such participation shall constitute presence in person at the meeting.

Section 3 – Order of Business. At any regular meeting of the Board, the order of business shall follow that which is set forth in the agenda. The agenda for all regular meetings shall include a Director's Report. The Director's Report shall include the following:

1. A written monthly Budget Report, which shall be included in the electronic distribution of the minutes from the Board's most recent meeting; and
2. A monthly report of the events and activities in the Museum, and the Museum related activities of staff members in the community.

Section 4 – Manner of Conducting Business. The business of the Board shall be conducted in accordance with the most recent published edition of Roberts Rules of Order, except as otherwise provided in these Bylaws.

Section 5 – Manner of Voting. The vote on all motions or matters coming before the Board shall be a voice vote, except that, on the request of any one member, a roll call vote shall be taken and recorded by the Secretary, who is to attribute each "yea" or "nay" vote, or abstinence if not

voting, to the name of each individual member. Any votes taken during a closed meeting shall be taken by roll call.

ARTICLE IV - FINANCIAL AFFAIRS AND BUDGET

Section 1 – The Budget. The Director shall prepare a detailed proposed budget for the upcoming fiscal year and shall electronically mail a copy to each Board member prior to the meeting for adopting the budget, which shall take place in March whenever feasible. The Board will make changes and revisions, if needed, and approve the budget by vote of the majority of the duly appointed members then constituting the Board. The Board shall submit the approved budget to the City Manager, as required by Section 15.10 of the City Charter, and no expenditure shall be made by the Board, nor any funds authorized to be disbursed except the amount thereof that shall have been appropriated for such purpose by the Council of the City of Springfield.

Section 2 – Report and Audit. The Board shall, on or before the fourth Monday the last month of each fiscal year submit an annual report, as required by the City Charter Section 15.13, to the City Council. This report must be submitted to and approved by a majority of the duly appointed members then constituting the Board before its submission to the City Council.

ARTICLE V – CONTRACTS

Section 1 – Contracts to be in Writing. The Board shall not authorize nor enter into any contract unless the same shall be within the scope of its powers or be expressly authorized by law,

nor unless such contract be made upon a consideration wholly to be performed or executed subsequent to the making of the contract; and such contract, including the consideration, shall be in writing and dated when made and shall be executed by the agents of the Board and the other party or parties thereto, and made in the name of the City of Springfield, Missouri; and the Director of Finance shall certify in writing thereon that such contract or order is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefore.

ARTICLE VI – AMENDMENTS

Section 1 – Amendments to Bylaws. These bylaws may be amended with the approval of five members of the Board at any regular or special meeting, provided that proposed amendments shall be submitted in writing to all Board members not less than twenty-eight (28) days prior to the meeting for adopting such changes, and provided that adequate notice is given for the meeting at which the amended bylaws are to be considered and voted upon.

Exhibit B

Summary of Proposed Bylaw Changes March 16, 2023

Corrected Section numbering from Roman Numeral I to Arabic Number 1 throughout. Added page numbers and made minor formatting changes for clarity.

Article II – OFFICERS AND COMMITTEES

Added “and Committees” to title of Article II.

Updated officer titles from Chairman and Vice-Chairman to Chair and Vice-Chair throughout.

Revised:

Section 2 – Election of Officers: Removed the Nominating Committee and restated to include nominations to be submitted to the Board by the Executive Committee. Added provisions for paper and electronic ballots, and a voice vote in the event only one name is nominated for an office. Rearranged to better reflect that officers will be elected by majority vote of the Board.

Section 3 – Chair: Removed the appointment of standing committees from this role.

Section 4 – Vice-Chair: Added to the role of Vice-Chair to serve as the chair of the Strategic Planning Committee and perform such other duties as prescribed by the Executive Committee.

Section 5 – Secretary: Added to the role of Secretary to oversee the orientation of new Board Members and perform such other duties as prescribed by the Executive Committee.

Added:

Section 6 – The Executive Committee. The Executive Committee shall consist of the Chair, Vice-Chair, and Secretary. The Art Museum’s Director shall serve as a non-voting ex officio member of the Executive Committee. Members of the Executive Committee shall serve until their successors to their offices are elected or appointed. Actions taken by the Executive Committee shall be reported to the Board at the next succeeding regular meeting of the Board. The Executive Committee shall appoint members to the standing and ad hoc committees.

Revised:

Section 7 – Standing Committees:

Removed:

Program and Public Relations, Professional Practices, Endowment Fund and Long-Range Planning Committees.

Added:

Building and Grounds and Strategic Planning Committees.

Provision for ad hoc committees: The Executive Committee may appoint one or more ad hoc committees to carry out specific functions. The functions of all ad hoc committees shall be approved in advance by the Board, provided, however, that all such ad hoc committees appointed during any given fiscal year shall automatically expire and cease to exist at the end of such fiscal year, unless the Executive Committee votes to renew them for an additional year.

**Created subsections 7.1 through 7.4 for clarity.*

Revised:

Section 7.1 Acquisitions. Removed Exhibitions from this committee. Updated to include Curator of Arts and removed Director.

Revised:

Section 7.2 Budget and Finance. Added to the role of this committee to review financial reports, budgets, and other data to assure sound operations and adequate financial controls and planning.

[Pending: Number of members and composition of this Committee.]

Added:

Section 7.3 Building and Grounds. The Building and Grounds Committee shall monitor, review, and recommend action to the Art Museum Board as to maintenance, repair and development of the Museum's facilities and grounds.

[Pending: Number of members and composition of this Committee.]

Added:

Section 7.4 Strategic Planning. The Strategic Planning Committee shall ensure that a comprehensive and long-range plan approved by the Board is in place at all times and shall monitor performance within the strategic plan. The long-range plan shall be revised and updated at least every three years by identifying issues for the successful future of the Museum.

[Pending: Number of members and composition of this Committee.]

Revised:

Section 8 - Holding Over: Revised for neutral gender wording.

Article III - MEETINGS

Corrected the numbering of sections. Section 2 was omitted in current version.

Revised:

Section 1 - Regular Meetings: Changed the provision that regular meetings shall not be canceled except by consent of a majority of Board Members to "The Executive Committee, by majority vote, may cancel a regular meeting of the Board."

Section 2 – Quorum: Corrected a typo in the second sentence from “Men” to “When”. Updated to include Board meeting participation by teleconference or videoconference.

Section 3 – Order of Business: Replaced items 1 through 13 with the order of business to follow the agenda, which shall include a Director’s Report. Changed the mailing of minutes to electronic distribution.

Section 4 – Manner of Conducting Business: Added the “most recent published addition” of Roberts Rules of Order.

Section 5 – Manner of Voting: Capitalization and grammatical corrections.

Article IV – FINANCIAL AFFAIRS AND BUDGET

Revised:

Section 1 – The Budget: Updated to add electronic distribution of the proposed budget. Clarified timing process for Board approval.

Removed:

Section 2 – Warrants: Removed in its entirety and renumbered remaining section.

Revised:

Section 3 – Report and Audit: Added annual report must be approved by majority of Board.

Article V – CONTRACTS

Section 1 – Contracts to be in Writing: Typographical correction.

Removed:

Section 2 – Board Member Interest in Contract Prohibited: Removed in its entirety.

Article VI – PERSONNEL

Removed: Entire article and renumbered following Article.

Article VI – AMENDMENTS

Revised:

Section 1 – Amendments to Bylaws: Added that adequate notice shall be given for the meeting in which the amended bylaws are to be considered and voted upon.



EXPLANATION TO DAVID BUELOW WISHES TO ADDRESS CITY COUNCIL.

FILED: 05/17/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE:

BACKGROUND INFORMATION:

Submitted By:

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

Attachments: None



EXPLANATION TO DAVID SANZONE WISHES TO ADDRESS CITY COUNCIL.

FILED: 05/17/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE:

BACKGROUND INFORMATION:

Submitted By:

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

Attachments: None



EXPLANATION TO CLAY HOLMES WISHES TO ADDRESS CITY COUNCIL.

FILED: 05/17/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE:

BACKGROUND INFORMATION:

Submitted By:

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

Attachments: None



EXPLANATION TO COUNCIL BILL 2023-125 (HARDINGER)

FILED: 04/28/2023

ORIGINATING DEPARTMENT: Economic Vitality

TITLE: A resolution confirming the appointment of Amanda Ohlensehlen to the Springfield Plaza Community Improvement District Board of Directors. (Staff and the Springfield Plaza Community Improvement District Board of Directors recommend approval.)

PURPOSE: To appoint Amanda Ohlensehlen to the Springfield Plaza Community Improvement District Board of Directors. (Staff recommends approval.)

BACKGROUND INFORMATION: As required by the petition establishing the Springfield Plaza Community Improvement District ("CID"), the Mayor shall appoint Directors to the CID Board of Directors with the consent of the City Council. The CID Board of Directors requests the following appointment to the Board.

Seat Name	Qualification	Term	Notes
2 Amanda Ohlensehlen	Property owner representative	10/12/2023	New appointment to serve 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 5/15/2023

Attachments: 1. Spfld Plaza CID Board Appt May 2023_res

36 Attest: _____, City Clerk

37

38 Filed as Resolution _____

39

40 Approved as to form: Jill Bunn, Assistant City Attorney

42

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

44



EXPLANATION TO COUNCIL BILL 2023-106 (MCGULL)

FILED: 05/10/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: 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 Perimeter Health Subdivision, generally located at 2828 North National 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.

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 Perimeter Health Subdivision, generally located at 2828 North National Avenue upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

A. An original Preliminary Plat of Perimeter Health Subdivision dated February 20th, 2023, is on file in the Department of Planning and Development, a reduced version of which is included for general reference in Attachment 3.

B. The Planning and Zoning Commission held a public hearing on April 6th, 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 *Comprehensive Plan's Land Use & Development* chapter groups this area into the City Corridor Placetype. This placetype is predominately comprised of commercial and service-related developments as well as multifamily, with design characteristics primarily focused on access management and overall site design, including building-street orientation and off-street parking locations. The proposed plat subdivides the property in a way that will facilitate commercial or multifamily development, which will enable it to utilize the design standards of the Plan. This placetype borders the Traditional Neighborhood placetype to the west and south, with low-density residential as the predominant use. On the plat, a sidewalk easement is shown along the



southern edge of the property, which will provide pedestrian access and a buffer between the subject property and the low-density residential; however, additional buffers may be required when the property is developed. The property also fronts two Collectors and a Secondary Arterial, which will support commercial or multifamily developments.

REMARKS: Staff recommends approval.

Submitted By: Jared Follin, Associate City Planner

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

Attachments:

1. Perimeter Health Subdivision_ord
2. PerimeterHealthSubdivision_exhA
3. Perimeter Health Subdivision_exhB

One-rdg. _____
P. Hrngs. _____
Pgs. 19
Filed: 05-02-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-106

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 Perimeter Health Subdivision, generally located
4 at 2828 North National Avenue, upon the applicant filing and
5 recording a final plat that substantially conforms to the preliminary
6 plat; and authorizing the City Clerk to sign the final plat upon
7 compliance with all the terms of this Ordinance. (Staff recommends
8 that City Council accept the public streets and easements.)
9 _____

10
11 WHEREAS, an original Preliminary Plat of Perimeter Health Subdivision, dated
12 February 20, 2023, 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
17 Perimeter Health Subdivision, which is generally located at 2828 North National
18 Avenue, on April 6, 2023, a copy of the Record of Proceedings from said public hearing
19 being attached 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 Perimeter
27 Health Subdivision, which is generally located at 2828 North National Avenue, as
28 approved by the Planning and Zoning Commission. The original plat of Perimeter Health
29 Subdivision is on file in the Department of Planning and Development ("Approved
30 Preliminary Plat"), a reduced version of which is attached hereto for general reference
31 as "Exhibit B – Attachment 3." All of "Exhibit B," including attachments, is incorporated
32 herein by this 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 Bennis, Assistant City Attorney
77

78
79 Approved for Council action: Jason A. Hays, City Manager

EXHIBIT A

RECORD OF PROCEEDINGS
PRELIMINARY PLAT – PERIMETER HEALTH SUBDIVISION

Preliminary Plat of Perimeter Health Subdivision
2828 North National Avenue

Applicant: Perimeter Springfield Realty, LLC

Mr. Jobe recused himself.

Mr. Jared Follin stated that this is a request to approve a preliminary plat for a 2-lot subdivision located at 2828 North National Avenue. Staff recommends approval.

Ms. Broekhoven opened the public hearing.

Mr. Jared Davis, 3213 South West Bypass here to answer any questions and the sidewalk is to be constructed at the time of development.

Mr. Knuckles asked about the sewer laterals.

Mr. Davis said it has a weird lot line and the lateral is going down to the sewer main.

Mr. Colony asked about its proposed uses.

Mr. Davis said they are planning on splitting the lot and Burrell Behavioral Health will possibly develop it.

Ms. Broekhoven closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Preliminary Plat of Perimeter Health Subdivision (2828 North National Avenue).

Mr. Knuckles seconded the motion. Ayes: Broekhoven, Colony, Lebeck, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None. Mr. Jobe recused himself.



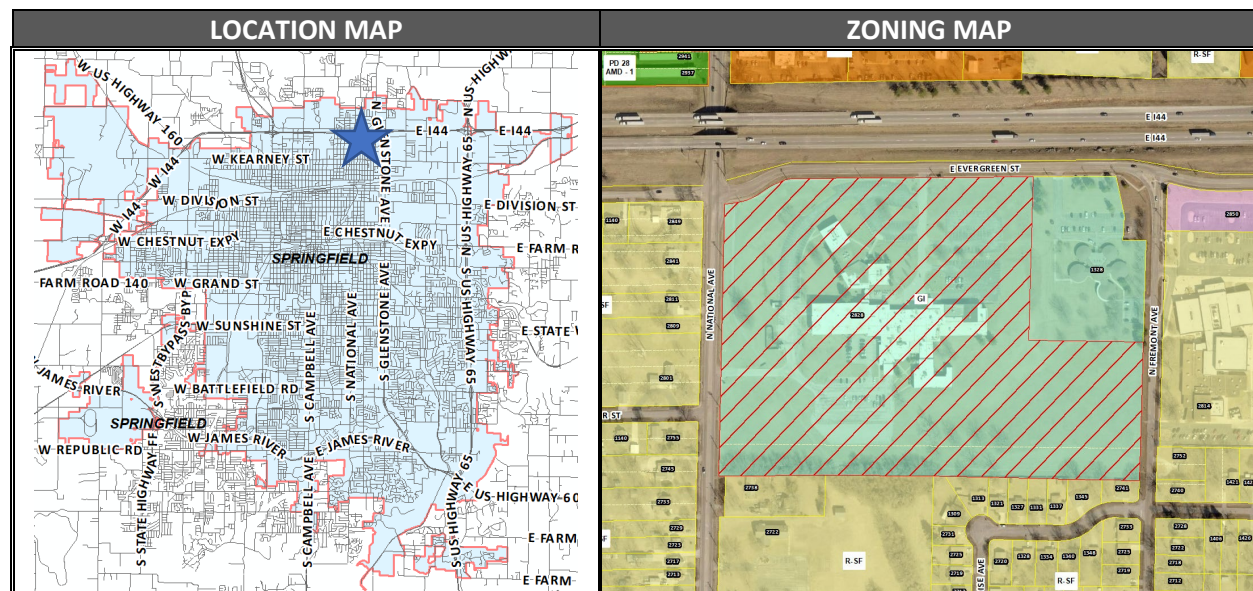
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Preliminary Plat of Perimeter Health Subdivision
Location:	2828 North National Avenue
Total Acres:	22.79 acres
Applicant:	Perimeter Springfield Realty, LLC
Existing Land Use:	Medical Uses
Neighborhood Meeting:	N/A
Planning and Zoning Commission:	April 6 th , 2023
City Council:	May 8 th , 2023
Public Notification:	Posted property
Staff:	Jared Follin, Associate Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

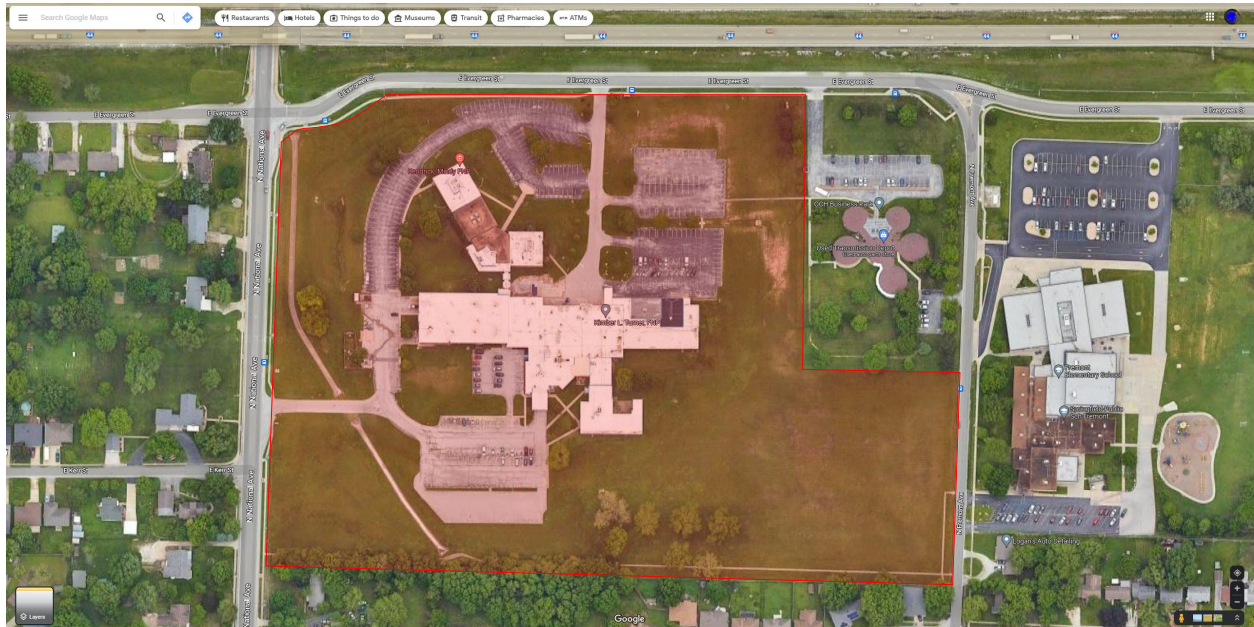
Request to subdivide approximately 22.79 acres of property generally located at 2828 North National Avenue into 2 lots to facilitate development on the site.



Zone: Government and Institutional

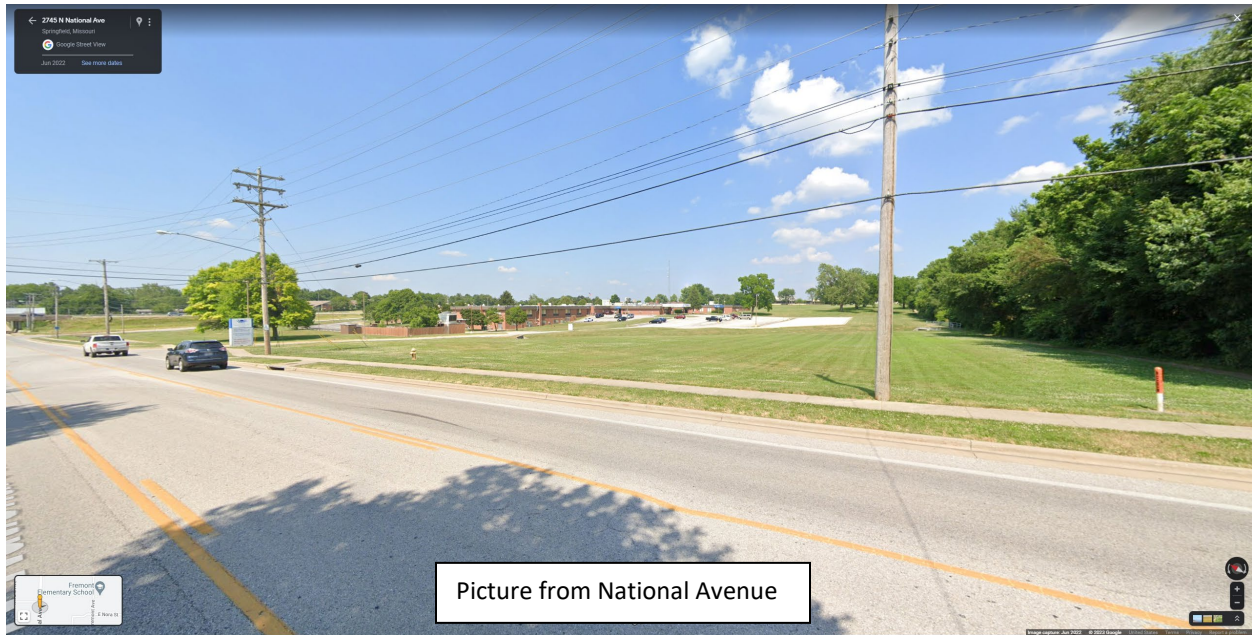
DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The property was originally annexed into the City of Springfield in 1955. In 1995, it was rezoned to Government and Institutional as part of the city-wide remapping. The property has not been through the Major Subdivision process.

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.

DEVELOPMENT REVIEW STAFF REPORT

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR GOVERNMENT AND INSTITUTIONAL
Minimum lot dimension requirements	36 feet of frontage along a public street
Maximum structure height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district
Front yard setback	None
Side and rear yard setback	None
Street Classification	National Avenue – Secondary Arterial Fremont Avenue – Collector Evergreen Street – Collector
Sidewalks	There are existing sidewalks along the property frontage of N. National Avenue and E. Evergreen Street. There is existing sidewalk along a portion of the property frontage of N. Fremont Avenue. Additional sidewalk will be required along the remaining property frontage on N. Fremont Avenue.
Open Space Requirements	20% open space, 10% with Conditional Use Permit

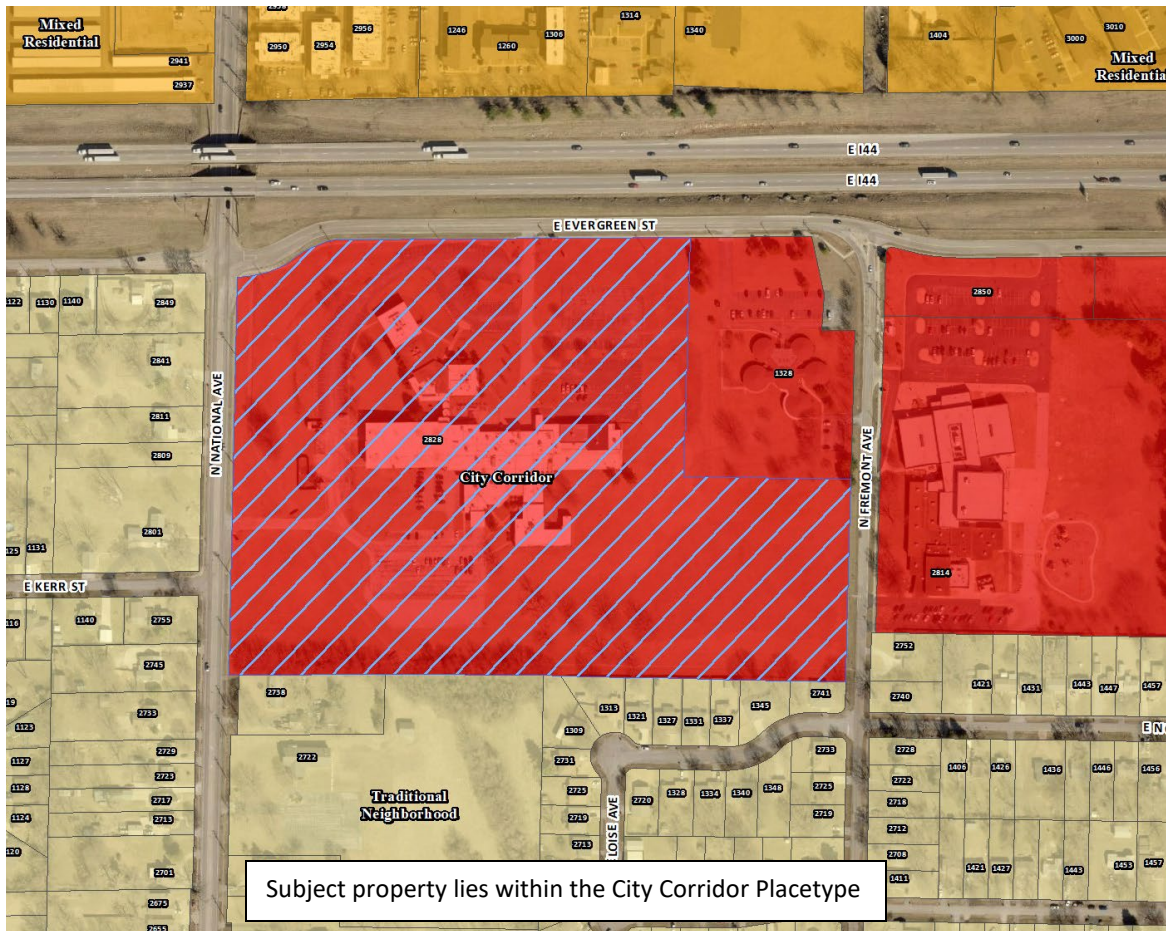
COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE: CITY CORRIDOR

The *Comprehensive Plan's Land Use & Development* chapter groups this area into the City Corridor Placetype. This placetype is predominately comprised of commercial and service-related developments as well as multifamily, with design characteristics primarily focused on access management and overall site design, including building-street orientation and off-street parking locations. The proposed plat subdivides the property in a way that will facilitate commercial or multifamily development, which will enable it to utilize the design standards of the Plan. This placetype borders the Traditional Neighborhood placetype to the west and south, with low-density residential as the predominant use. On the plat, a sidewalk easement is shown along the southern edge of the property, which will provide pedestrian access and a buffer between the subject property and the low-density residential; however, additional buffers may be required when the property is developed. The property also fronts two Collectors and a Secondary Arterial, which will support commercial or multifamily developments.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:



PLACETYPES	LAND USES														
	Single-Family Detached	Single-Family Attached	Multi-family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office, Hospitality, Retail Sales & Service	Neighborhood Commercial	Major, Artisan & Innovation Spaces	Public & Private Schools & Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehousing & Distribution Facilities	Heavy Industry & Manufacturing
Residential Neighborhood	●	○	◊	○	○	○	○	○	○	○	○	○	○	○	○
Mixed Residential	●	●	●	○	○	○	○	○	○	○	○	○	○	○	○
Downtown	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **Supporting Land Use:**
Less prevalent and serve to support the primary land use.

◊ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



Subject property fronts two Collector roadways and a Secondary Arterial

SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-MD	R-SF	R-SF	R-SF
LAND USE	Multifamily	Single-Family / Church	Public Elementary School	Single-Family
PLACETYPES	Mixed Residential	Traditional Neighborhood	City Corridor	Traditional Neighborhood

DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is proposing to subdivide approximately 22.79 acres of land into a two-lot subdivision named "Perimeter Health Subdivision."
2. A 15' private sanitary sewer easement is to be dedicated along the dividing lot line of proposed Lots 1 & 2 to serve the existing property to the adjacent to the northeast, addressed as 1328 East Evergreen Street. This will guarantee sewer access for the property, which currently does not have direct access to a sewer line.
3. All lots meet minimum dimension requirements of the subdivision regulations.
4. If the Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
5. The proposed preliminary plat was reviewed by City departments and comments are contained in **Attachment 1**. Conditions of Approval are provided in **Attachment 2**. The Preliminary Plat drawing can be found in **Attachment 3**.

STAFF RECOMMENDATION:

1. The proposed subdivision is consistent with the *Comprehensive Plan* and all proposed lots meet the subdivision regulations.
2. Staff recommends approval as submitted in the staff report.

PLANNING AND ZONING COMMISSION OPTIONS:

The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing.

1. The commission recommends approval of the preliminary plat.
2. The commission recommends conditional approve of the preliminary plat.
3. The commission recommends disapproval of the preliminary plat.

PUBLIC NOTIFICATION AND COMMENTS:

The property was posted by the applicant at least 10 days prior to the public hearing.

No comments were received by citizens for this subdivision.

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

ATTACHMENT 1

1. CITY UTILITIES:
No issues with the plat.
2. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:
2828 N National signed a special connection agreement since it is not in a sewer district. New Lot 2 will also need to sign a special connection agreement when building permits are issued. Special Connection Agreements are defined in City Code Sections 120-249 & Section 120-250.
3. FIRE DEPARTMENT:
Installation of fire hydrants & fire access lanes shall comply with 2018 IFC when developed.
4. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:
All the Stormwater Notes meets requirements. The Pea Ridge tributary running through the 2828 N National Ave is captured inside of a pre-existing concrete channel. The requirement for a stream buffer is not required with no natural top of bank or stream centerline. The stream buffer can be removed from the plat. The drainage channel holding the Pea Ridge tributary is made of a concrete channel and box culvert. A drainage easement is required for the length of the channel, see below for the drainage easement width. The easement can have multiple widths based on the type of channel/culvert or using the larger culvert width have a 40 feet wide easement running the length. The box culvert underneath the current drive is approximately 20 feet wide. Reinforced Concrete Boxes require drainage easements with 10 feet wider than the box outer wall. The concrete channel is a 'Structural (Hard Improved) Channel' requiring a drainage easement "10 feet wider than channel (5 feet beyond the outside edge of the structure on each side)".

The property is in the Pea Ridge 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 has a **stream enclosed in a channel. A stream buffer is not required.**

The proposed preliminary plat meets stormwater requirements. 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 new structures or pavement built over existing open space will require for detention to be provided through a stormwater control measure.
 - a. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3.
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)

DEVELOPMENT REVIEW STAFF REPORT

3. 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:
 - 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.
5. DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:
Prior to approval of the final plat, sidewalk is required along entire frontage of Fremont Ave, as per City Code Section 36-471. Minimum sidewalk width is 5 ft. Sidewalk must be shown on Final Plat. As an alternate, a letter may be submitted to the Director of Public Works requesting to pay a fee in lieu of sidewalk construction. If approved, an application for fee in lieu of sidewalk construction may be submitted to ARC for consideration. If approved by ARC, per City Code Section 36-471(8), a \$31.46 per L.F. fee (or any future change to fee at time of payment) may be paid in lieu of sidewalk construction. Approval of this request is unlikely. All sidewalks required for a development must be constructed, escrowed, or fee in lieu of paid prior to approval of the final plat. All sidewalks must be constructed and accepted prior to issuance of Final Building Inspection (COO).

Street Classification, Right-Of-Way, & Jurisdiction

City's Transportation Plan classifies N. National Avenue as a Secondary Arterial roadway, and N. Fremont Avenue and E. Evergreen Street as Collector roadways. The standard right-of-way width from the centerline of N. National Avenue is 35 feet. It appears that no additional right-of-way is needed. The standard right-of-way width from the centerline of N. Fremont Avenue and E. Evergreen Street is 30 feet. It appears that no additional right-of-way is needed along N. Fremont Avenue, and an additional 5 feet of right-of-way is needed along E. Evergreen Street. A survey is recommended to

DEVELOPMENT REVIEW STAFF REPORT

determine the exact amount of existing right-of-way. N. National Avenue, N. Fremont Avenue, and E. Evergreen Street are city-maintained streets.

Driveway Access

There is one existing driveway access point onto the property from N. National Avenue, one exiting driveway access point from E. Evergreen Street, and zero existing driveway access points from N. Fremont Avenue. Access to this property will be allowed based on existing City of Springfield standards for the street classification.

Sidewalk

There are existing sidewalks along the property frontage of N. National Avenue and E. Evergreen Street. There is existing sidewalk along a portion of the property frontage of N. Fremont Avenue. Additional sidewalk will be required along the remaining property frontage on N. Fremont Avenue.

Trails, Bus Stops, & Additional Information

There are no Greenway Trails in the area surrounding the property. There is one bus stop along N. National Avenue, one bus stop along N. Fremont Avenue, and three bus stops along E. Evergreen Street near this property.

Improvements

No improvements are required at this time. A Traffic Impact Study may be required at the time of development.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	N. National Avenue	Secondary Arterial	No	35	35
Street 2	N. Fremont Avenue	Collector	No	30	30
Street 3	E. Evergreen Street	Collector	No	30	25

6. DEPARTMENT OF PUBLIC WORKS CONSTRUCTION INSPECTION DIVISION:
Any required public improvements must be built or escrowed prior to acceptance of final plat or issuance of building permits.

DEVELOPMENT REVIEW STAFF REPORT

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

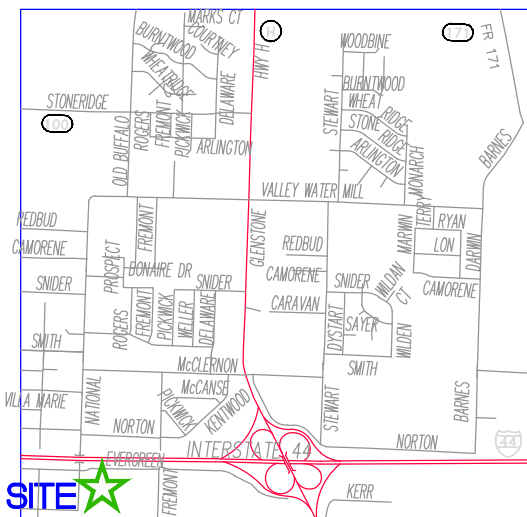
Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

PERIMETER HEALTH SUBDIVISION

BEING A PART OF LOT 1 OF THE NORTHWEST FRACTIONAL QUARTER AND ALSO
A PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 29 NORTH, RANGE 21 WEST,
IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.
PRELIMINARY PLAT



LOCATION SKETCH

SEC. 6, T-29-N, R-21-W
NOT TO SCALE

LEGEND OF SYMBOLS AND ABBREVIATIONS

④	INTERNAL ANGLE # (SEE TABLE)	WV	WATER VALVE
—SS—	SANITARY SEWER LINE	GV	GAS VALVE
—E—	OVERHEAD ELECTRIC	WM	WATER METER
—G—	GAS LINE	TR	TELEPHONE RISER
—WS—	WATER SERVICE	ER	ELECTRIC RISER
—UT—	UNDERGROUND TELEPHONE	RD	ROOF DRAIN
—UE—	UNDERGROUND ELECTRIC	TRANS	TRANSFORMER PAD
—X—X—	FENCE LINE	MH	SANITARY MANHOLE
—H—	FIRE HYDRANT	RWM	RIGHT-OF-WAY MARKER
—LP—	LIGHT POLE	FIP	FOUND IRON PIN
P.O.C.	POINT OF COMMENCEMENT	SIP	SET IRON PIN
LINE LABELS	MEASURED 100' M DEED 100' D RECORD 100' R	P.O.B.	POINT OF BEGINNING
		GL	GROUND LIGHT
		PM	PERMANENT MONUMENT
		TL	TREELINE

FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 290270332E, WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 17, 2010 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS.

SURVEYORS NOTE:

WITH THIS SURVEY WE DO NOT GUARANTEE THAT OWNERSHIP IS TO THE SURVEY LINES DEPICTED HEREON. THIS SURVEY IS A GRAPHIC REPRESENTATION OF THE OPINION OF THE SURVEYOR AS TO THE LOCATION OF THE RECORD DESCRIPTION. NO OPINION AS TO THE VALIDITY OF TITLE IS GIVEN OR IMPLIED.

UTILITY NOTE:

THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. LOCATE NUMBER 221923276.

LINE	BEARING	DISTANCE
L1	N87°15'25"E	5.00'
L2	N02°45'21"E	140.11'
L3	N87°14'39"W	5.00'

POC
NW COR. N1/2, SW1/4
OF SEC. 6, T29N, R21W

SURVEY DESCRIPTION

PART OF LOT ONE OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 6, AND PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 29, RANGE 21 LYING SOUTH OF THE SOUTH RIGHT OF WAY OF INTERSTATE ROUTE 44, ALL IN GREENE COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 6; THENCE SOUTH 88°16'09" EAST, 40.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF NATIONAL AVENUE SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING COURSES, NORTH 02°12'21" EAST, 84.57 FEET; THENCE NORTH 02°45'21" EAST, 25.58 FEET; THENCE NORTH 87°15'25" EAST, 5.00 FEET; THENCE NORTH 02°45'21" EAST, 140.11 FEET; THENCE NORTH 87°14'39" WEST, 5.00 FEET; THENCE NORTH 02°45'21" EAST, 454.50 FEET; THENCE NORTH 35°07'07" EAST, 28.32 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT OF WAY LINE OF INTERSTATE 44; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING COURSES, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 154.40 A CHORD BEARING NORTH 68°29'31" EAST, A CHORD LENGTH OF 124.99 FEET, AN ARC DISTANCE OF 128.68 FEET TO A POINT OF REVERSE CURVE; THENCE ALONG SAID REVERSE CURVE, HAVING A RADIUS OF 85.00 FEET, A CHORD BEARING NORTH 67°41'45" EAST, A CHORD LENGTH OF 66.53 FEET, AN ARC DISTANCE OF 68.36 FEET; THENCE SOUTH 89°28'12" EAST, 750.28 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, SOUTH 02°15'54" WEST, 512.00 FEET; THENCE SOUTH 89°28'42" EAST, 350.10 FEET TO A POINT LYING ON THE WESTERLY RIGHT OF WAY LINE OF FREMONT AVENUE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 02°04'34" WEST, 414.80 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, ALONG THE NORTHERLY LINE OF REDBUD ESTATES SUBDIVISION AND ITS WESTERLY EXTENSION, NORTH 88°16'15" WEST, 1296.66 FEET TO A POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF NATIONAL AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 02°12'21" EAST, 98.50 FEET TO THE POINT OF BEGINNING. CONTAINING 992,716 SQUARE FEET OR 22.79 ACRES, MORE OR LESS.

ZONING DATA

SUBJECT PROPERTY IS ZONED Q (GOVERNMENT AND INSTITUTIONAL DISTRICT).

YARD REQUIREMENTS:

NONE, EXCEPT AS REQUIRED BY SECTION 36-453, SUPPLEMENTAL OPEN SPACE AND YARD REGULATIONS, AND THE BUTTERYARD REQUIREMENTS IN SUBSECTION (B), AND, IN NO EVENT MAY A STRUCTURE BE ERRECTED CLOSER TO THE CENTERLINE OF AN EXISTING OR PLANNED STREET THAN AS PRESCRIBED BELOW, EXCEPT AS PERMITTED BY SUBSECTION 36-303(17)(B) AND SUBSECTION 36-303(17)(D).

STREET CLASSIFICATION
SECONDARY ARTERIAL (NATIONAL)
COLLECTOR (EVERGREEN & FREMONT)

REQUIRED SETBACK FROM RIGHT-OF-WAY CENTER LINE
35 FEET PLUS THE REQUIRED YARD SETBACK
30 FEET PLUS THE REQUIRED YARD SETBACK

NOTES

LARGEST - LOT 1 = 700,419± SQ. FT. (16.08± ACRES)
SMALLEST - LOT 2 = 292,297± SQ. FT. (6.71± ACRES)
TOTAL SQUARE FOOTAGE OF DEVELOPMENT = 992,716± SQ. FT.
TOTAL ACREAGE OF DEVELOPMENT = 22.79± ACRES
TOTAL NUMBER OF LOTS = 2
DATE OF PRELIMINARY PLAT SUBMITTAL =
DATE OF FINAL PLAT SUBMITTAL =
OWNERSHIP = BOOK 2018, PAGE 039213-18

METERS TO U.S. FEET CONVERSION 3.28083333 "GRID"

MAINTENANCE OF ANY AREA REFERRED TO AS DRAINAGE EASEMENT OR DRAINAGE DETENTION IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

INSTALLATION OF IRON PINS ON ALL LOT CORNERS WILL BE COMPLETED UPON COMPLETION OF UTILITIES INSTALLATIONS.

SIDEWALK TO BE CONSTRUCTED ALONG THE FRONTAGE OF FREMONT AVENUE BEFORE THE APPROVAL OF THE FINAL PLAT.

DEDICATION

SAID LAND HAS BEEN SUBDIVIDED AS SHOWN HEREON, ALL STREETS, EASEMENTS, AND ACCESS LIMITATIONS AS RELINQUISHED AND DEDICATED TO THE PUBLIC.

IN WITNESS WHEREOF, _____ AND _____
(HUSBAND AND WIFE/CORPORATE OFFICE/ETC.) SOLE OWNERS OF THE PROPERTY DESCRIBED HEREON, HAS CAUSED THIS PLAT TO BE SIGNED THIS _____ DAY OF _____

SIGNATURE - PRINT NAME UNDERNEATH LINE

SIGNATURE - PRINT NAME UNDERNEATH LINE

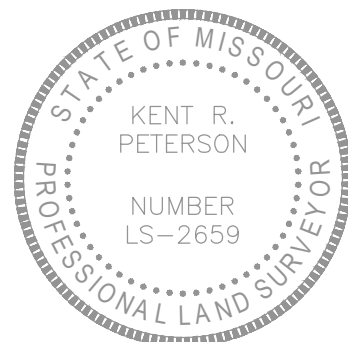
SURVEYOR'S CERTIFICATE

KNOWN ALL MEN BY THESE PRESENTS:

THAT I, KENT R. PETERSON, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, PREPARED BY ANDERSON ENGINEERING, INC. DATED FEBRUARY 20, 2023 AND SIGNED BY KENT R. PETERSON, PLS NO. 2659 AND THAT THE MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE SUPERVISION OF KENT R. PETERSON, PLS NO. 2659 IN ACCORDANCE WITH THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS. DRAWING LAST REVISED ON MARCH 29, 2023.

ANDERSON ENGINEERING, INC. LC 62 BY:

K.R.P.
KENT R. PETERSON, PLS NO. 2659



3-29-2023
DATE PREPARED

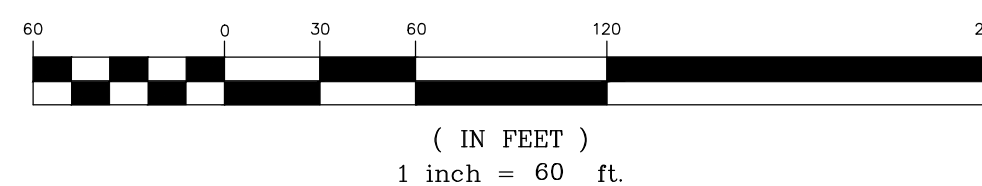
STORMWATER NOTE:

THE AREA SHOWN HEREON IS NOT LOCATED IN A STORM SEWER DISTRICT AS OF THE DATE OF RECORDING AND MAY BE SUBJECT TO FUTURE ASSESSMENT COST IF INCLUDED IN FUTURE STORM WATER BENEFIT DISTRICT DEEMED NECESSARY RESULTING FROM PROBLEMS CREATED BY SURFACE WATER RUNOFF. THIS IS DUE TO THE FACT THAT THE SURFACE WATER RUNOFF IS PRESENTLY BEING ACCOMMODATED BY STREET AND OPEN DRAINAGE FACILITIES.

SANITARY SEWER NOTE:

THE CITY OF SPRINGFIELD WILL NOT MAINTAIN THE SEWER IN THE PRIVATE EASEMENT SERVING 1328 E. EVERGREEN STREET. THE SEWER LATERAL SHOULD BE MAINTAINED BY THE OWNER OF 1328 E. EVERGREEN STREET.

GRAPHIC SCALE



PREPARED BY

KENT R. PETERSON, PLS
ANDERSON ENGINEERING, INC.
3213 S. WEST BYPASS
SPRINGFIELD, MO. 65807

OWNER AND DEVELOPER

PERIMETER SPRINGFIELD REALTY, LLC
2520 NORTHWINDS PARKWAY
ALPHARETTA, GA. 30009



FIELD: CB
DRAWN: BAC
CHECKED: KRP

DATE: 2-20-2023
FIELD BK:
JOB NO: 23SP20028

111725.DWG
SHT. 1 OF 1 REV.



EXPLANATION TO COUNCIL BILL 2023-107 (HOSMER)

FILED: 05/10/2023

ORIGINATING DEPARTMENT: Fire

TITLE: A special ordinance amending the budget of the Springfield Fire Department Fiscal Year 2022-2023 in the amount of \$30,000 to appropriate funds from the Fire Training Program Fund for expenses associated with the Fire Department Pre-Apprentice training program.

PURPOSE: Amend the Fiscal Year 2023 Fire Department Budget.

BACKGROUND INFORMATION: In 2012, the Fire Department was approved to create a special revenue fund to accept payment for training provided to outside agencies. The training is billed at a rate that is “at cost” and the enterprise fund is used to recuperate these funds.

The normal annual budget appropriation since the inception of the fund has been \$10,000 per fiscal year.

In 2022, the Fire Department began a Pre-Apprentice training program as a component of the registered Department of Labor Apprenticeship Program, and began hosting and coordinating the Southwest Regional Fire Academy to create a pool of trained, certified, and licensed Firefighters and Emergency Medical Technicians to meet the hiring needs of emergency service agencies throughout the region.

The Pre-Apprenticeship program, while cost neutral to the city, has a greater overall operating cost than any training program previously provided by the Training Fund. Because of the overwhelming success of this program, the cost to operate exceeds the annual allocation.

This Council Bill, if approved, will transfer and appropriate \$30,000 from the fund balance of the Training Fund to reimburse the Fire Department for expenses incurred and amend the Fire Department's Fiscal Year 2022-2023 budget.

The projected revenue from this program is \$52,944 in tuition and reimbursable expenses.

Approval of this request further solidifies the relationship between the Fire Department, Workforce Development, and the Department of Labor. The current overall commitment of funds via state and federal programs is nearly \$100,000.

Submitted By: David Pennington, Fire Chief



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

- Attachments:**
1. Fire Training Program Fund Ordinance
 2. Exhibit A (1)

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 05-02-23

Sponsored by Hosmer

First Reading _____

Second Reading _____

COUNCIL BILL 2023 - 107

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the budget of the Springfield Fire Department Fiscal Year 2022-2023 in
2 the amount of \$30,000 to appropriate funds from the Fire Training
3 Program Fund for expenses associated with the Fire Department Pre-
4 Apprentice training program.
5 _____
6

7 WHEREAS, in 2012 City Council approved the creation of a special revenue
8 fund, known as the Fire Training Program Fund, for use by the Springfield Fire
9 Department ("SFD") to accept payment for training provided to outside agencies; and
10

11 WHEREAS, since inception of the Fire Training Program Fund the annual
12 appropriation from the fund has been \$10,000 for the payment of expenses associated
13 with training programs which are later recuperated from outside agencies participating
14 in SFD training programs; and
15

16 WHEREAS, in 2022 SFD began a Pre-Apprentice training program as a
17 component of the Department of Labor Apprenticeship Program and began hosting and
18 coordinating the Southwest Regional Fire Academy to create a pool of trained, certified,
19 and licensed Firefighters and Emergency Medical Technicians to meet the hiring needs
20 of emergency service agencies throughout the region; and
21

22 WHEREAS, due to the overwhelming success of the Pre-Apprentice training
23 program, training costs are expected to exceed the current appropriation.
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 budget for Fiscal Year 2022-2023 of the Springfield Fire
29 Department is hereby amended in the accounts and in the amounts as shown on
30 Budget Adjustment No. 055, a copy of which is attached hereto and incorporated herein
31 by reference as "Exhibit A."
32

33 Section 2 – City Council hereby finds that the budget adjustment made in Section
34 1 has been recommended by the City Manager.

35
36 Section 3 – The City Manager is directed to cause the appropriate accounting
37 entries to be made in the books and records of the City.

38
39 Section 4 – This Ordinance shall be in full force and effect from and after
40 passage.

41
42
43 Passed at meeting: _____

44
45
46 _____
47 Mayor

48 Attest: _____, City Clerk

49
50 Filed as Ordinance: _____

51
52
53 Approved as to form: Ca H, Assistant City Attorney

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

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
055

Revenues:

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

Expenditures:

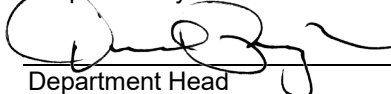
Fund	Dept	Org	Account	P&G	Location	Amount	Description
25070	10	15040	504580	000000	00000	\$ 30,000	Fire academy expenses
Net Expenditure Adjustment						\$ 30,000	

Fund Balance Appropriation:

Fund	Dept	Title	Amount
25070	10	Fire Training Program	\$ (30,000)

Explanation: To amend the FY2022-23 budget by appropriating fund balance from the Fire Training Program Fund for Southwest Regional Fire Academy expenses.

Requested By:

 5-02-2023
Department Head Date

Approved By:

 5-02-2023
Director of Finance Date

City Manager

Date

Authorization:

Council Bill No. 2023-107
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-108 (LEE)

FILED: 05/10/2023

ORIGINATING DEPARTMENT: City Utilities

TITLE: A special ordinance authorizing the General Manager of City Utilities to enter into an agreement with Bank of America, N.A. to provide depository and related banking services to City Utilities of Springfield, Missouri.

PURPOSE: To authorize the General Manager of City Utilities to enter into an agreement with Bank of America, N.A. to provide depository and related banking services to City Utilities.

BACKGROUND INFORMATION: Section 16.10 of the Charter of the City of Springfield, Missouri ("City"), requires that all moneys due to and collected by City Utilities of Springfield, Missouri ("City Utilities"), from any source be deposited in a City depository to the credit of City Utilities, and Section 19.13 of the Charter requires such funds to be adequately secured by certain types of securities.

City Utilities' existing contract for depository and related banking services will expire on June 30, 2023. City Utilities made a request for proposal for such services beginning July 1, 2023, from which it received and evaluated eight bids.

By its action on March 30, 2023, the Board of Public Utilities recommends City Utilities enter into an agreement with Bank of America, N.A. for depository and related banking services beginning July 1, 2023, and ending June 30, 2026, with two possible annual extensions.

Similar to City Utilities' existing agreement for depository and related banking services, the agreement will require funds deposited by City Utilities thereunder to be secured by the types of securities described in Section 19.13 of the City Charter, the aggregate fair market value of which shall be at least one hundred percent (100%) of the actual amount of funds on deposit, less amounts covered by insurance of the Federal Deposit Insurance Corporation of America.

Submitted By: Gary Gibson, President - Chief Executive Officer

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

Attachments: 1. Depository Services 2023 [DAF 3-20-23]

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed: 05-02-23

Sponsored by Lee

First Reading _____

Second Reading _____

COUNCIL BILL 2023-108

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the General Manager of City Utilities to enter into an agreement with
2 Bank of America, N.A. to provide depository and related banking
3 services to City Utilities of Springfield, Missouri.
4 _____
5

6 WHEREAS, City Utilities' existing contract for depository and related banking
7 services will expire on June 30, 2023; and
8

9 WHEREAS, the Board of Public Utilities recommends City Utilities enter into an
10 agreement with Bank of America, N.A. for depository and related banking services
11 beginning July 1, 2023, and ending June 30, 2026, with two possible annual extensions.
12

13 NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
14 SPRINGFIELD, MISSOURI, as follows, that:
15

16 Section 1 – The General Manager of City Utilities is hereby authorized to enter
17 into an agreement with Bank of America, N.A. to provide depository and related banking
18 services to City Utilities beginning July 1, 2023, and ending June 30, 2026, with two
19 possible annual extensions, said agreement to require funds deposited by City Utilities
20 thereunder to be secured by the types of securities described in Section 19.13 of the
21 City Charter, the aggregate fair market value of which shall be at least one hundred
22 percent (100%) of the actual amount of funds on deposit, less amounts covered by
23 insurance of the Federal Deposit Insurance Corporation of America.
24

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

28 Passed at meeting: _____
29

30 _____
31 Mayor

32 Attest: _____, City Clerk
33

34 Filed as Ordinance: _____

35

36

37 Approved as to form: Rhonda Lewsader, City Attorney

38

39

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



EXPLANATION TO COUNCIL BILL 2023-109 (HARDINGER)

FILED: 05/10/2023

ORIGINATING DEPARTMENT: City Utilities

TITLE: A special ordinance authorizing the General Manager of City Utilities to enter into an agreement with Central Bank to provide safekeeping services to City Utilities of Springfield, Missouri.

PURPOSE: To authorize the General Manager of City Utilities to enter into an agreement with Central Bank to provide safekeeping services to City Utilities.

BACKGROUND INFORMATION: Section 16.10 of the Charter of the City of Springfield, Missouri ("City"), requires that all moneys due to and collected by City Utilities of Springfield, Missouri ("City Utilities"), from any source be deposited in a City depository to the credit of City Utilities, and Section 19.13 of the Charter requires such funds to be adequately secured by certain types of securities.

City Utilities' existing contract for safekeeping services will expire on June 30, 2023. City Utilities made a request for proposal for such services beginning July 1, 2023, from which it received and evaluated six bids.

By its action on March 30, 2023, the Board of Public Utilities recommends City Utilities enter into an agreement with Central Bank for safekeeping services beginning July 1, 2023, and ending June 30, 2026, with two possible annual extensions.

Submitted By: Gary Gibson, President - Chief Executive Officer

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

Attachments: 1. Safekeeping Ordinance 2023 [DAF 3-20-23]

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed: 05-02-23

Sponsored by Hardinger

First Reading _____

Second Reading _____

COUNCIL BILL 2023-109

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the General Manager of City Utilities to enter into an agreement with
2 Central Bank to provide safekeeping services to City Utilities of
3 Springfield, Missouri.
4 _____
5

6 WHEREAS, City Utilities' existing contract for safekeeping services will expire on
7 June 30, 2023; and
8

9 WHEREAS, the Board of Public Utilities recommends City Utilities enter into an
10 agreement with Central Bank for safekeeping services beginning July 1, 2023, and
11 ending June 30, 2026, with two possible annual extensions.
12

13 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
14 SPRINGFIELD, MISSOURI, as follows, that:
15

16 Section 1 – The General Manager of City Utilities is hereby authorized to enter
17 into an agreement with Central Bank to provide safekeeping services to City Utilities
18 beginning July 1, 2023, and ending June 30, 2026, with two possible annual extensions,
19 said agreement to require funds deposited by City Utilities thereunder to be secured by
20 the types of securities described in Section 19.13 of the City Charter, the aggregate fair
21 market value of which shall be at least one hundred percent (100%) of the actual
22 amount of funds on deposit, less amounts covered by insurance of the Federal Deposit
23 Insurance Corporation of America.
24

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

28 Passed at meeting: _____
29
30

31 _____
32 Mayor

33 Attest: _____, City Clerk

34

35 Filed as Ordinance: _____

36

37 Approved as to form: Rhonda Lewsader, City Attorney

38

39 Approved for Council Action: Juan C. Page, City Manager

40

41



**EXPLANATION TO CONFIRM THE FOLLOWING APPOINTMENT TO THE AIRPORT
B**

FILED: 05/10/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE:

BACKGROUND INFORMATION:

Submitted By:

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

Attachments: None



**EXPLANATION TO CONFIRM THE FOLLOWING REAPPOINTMENTS TO THE
AIRPOR**

FILED: 05/10/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE:

BACKGROUND INFORMATION:

Submitted By:

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

Attachments: None