City of Springfield

Agenda

City Council

Ken McClure, Mayor

Zone Councilmembers	General Councilmembers
Monica Horton, Zone 1	Heather Hardinger, General A
Abe McGull, Zone 2	Craig Hosmer, General B
Brandon Jenson, Zone 3	Callie Carroll, General C
Matthew Simpson, Zone 4	Derek Lee, General D

January 22, 2024 **6:30 PM** **Regional Police-Fire Training Center**
2620 West Battlefield Road
Room 101, 102, and 103

Rules and procedures.

1. ROLL CALL.

2. APPROVAL OF MINUTES.

2.1. Approval of Minutes. January 8, 2024, 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.

4.1. Council Bill 2024-014 (Mayor McClure)
A resolution recognizing the dedicated public service of Bob Belote, Director of Parks and Recreation, upon the occasion of his retirement.

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 2024-007 (Carroll)
A general ordinance amending Chapter 36 of the Springfield City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Division 7, Sections 36-363, Conditional use permits and 36-368, Publication and Posting of Notices for the purpose of allowing City Council to add, modify, or remove conditions to a Conditional Use Permit. (Staff recommends approval; the Planning and Zoning Commission recommends denial.)

6.2. Council Bill 2024-008 (Simpson, Hardinger, Horton, and Jenson)
A general ordinance amending the Fee Schedule for certain City services as provided in the Springfield City Code, by making such adjustments as provided in the attached "Evaluation of Charges for Municipal Services"; and adopting new fees for certain City Services.

6.3. Council Bill 2024-009 (Simpson)
A special ordinance approving the selection of The Salvation Army and Women's Medical Respite as recipients of the City's Coronavirus State and Local Fiscal Recovery Funds allotted for non-congregate shelters; and authorizing the City Manager, or designee, to enter into agreements to carry out the programs.

6.4. Council Bill 2024-010 (Carroll)
A special ordinance approving the Eighth Amendment to the July 1, 2021, Collective Bargaining Agreement between the City and the Springfield Police Officers Association, Fraternal Order of Police Lodge 22, representing changes requested by the Springfield Police Officers Association, Fraternal Order of Police Lodge 22, regarding seniority and reinstatements; and authorizing the City Manager, or designee, on behalf of the City, to execute and deliver the Eighth Amendment to the Collective Bargaining Agreement to the Springfield Police Officers Association, Fraternal Order of Police Lodge 22.

7. RESOLUTIONS.

Citizens May Speak. May Be Voted On.

7.1. Council Bill 2024-015 (Horton)
A resolution granting a Short-Term Rental Type 2 permit for the property generally located at 415 E. Division, 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 2024-016 (Hardinger)
A resolution approving the revised investment policy statement for the Police Officers' and Fire Fighters' Retirement Fund.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS.

10. GRANTS.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING.

Citizens May Speak. Not Anticipated To Be Voted On.

12.1. Council Bill 2024-017 (Horton)
A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.11

acres of property generally located at 1530 North Broadway Avenue from HC, Highway Commercial to R-TH, Residential Townhouse; and adopting an updated Official Zoning Map.(By: KDR Real Estate LLC; 1530 North Broadway Avenue; Z-32-2023).

12.2. Council Bill 2024-018 (Jenson)
A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.26 acres of property generally located at 221, 225, and 227 East Sunshine Street from O-1, Office District to GR, General Retail with Conditional Overlay District No. 245, and adopting an updated Official Zoning Map. (By: Sanders Prop LLC; 221, 225, and 227 East Sunshine Street; Z-33-2023 w/Conditional Overlay District No. 245).

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

13.1. Council Bill 2024-019 (Simpson, Horton)
A general ordinance amending the Springfield City Code, Chapter 78, Offenses and Miscellaneous Provisions, Article I, In General, by adding a new Section 78-10, Monetary Prizes.

13.2. Council Bill 2024-020 (Lee)
A general ordinance amending the Springfield City Code, Section 2-91, known as the 'Merit System Rules and Regulations,' by amending Merit Rule 8.12 "Reinstatement," to expand reinstatement options.

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

15. NEW BUSINESS.

15.1. 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.

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

20.1. Council Bill 2024-011 (Horton)
A special ordinance authorizing the City Manager, or designee, on behalf of the City of Springfield, to enter into a Contract for Sale of Real Estate with Springfield QOZ Self-Storage LLC d/b/a Devon Self-Storage, for 0.43 acres of vacant land in the 300 block of

West Chestnut Street; and authorizing the issuance of a quitclaim deed for the same. (Staff recommends approval.)

20.2. Confirm the following appointment to the Citizens' Advisory Committee for Community Development: Zipporah Burns with term to expire May 1, 2024.

20.3. Confirm the following appointment to the Citizens' Advisory Committee for Community Development: Jared Durden with term to expire May 1, 2026.

20.4. Confirm the following reappointments to the Landmarks Board: Adam Letterman and Bryan Lenox with terms to expire November 1, 2026.

20.5. Confirm the following appointment to the Personnel Board: Amanda Cooper with term to expire March 1, 2025.

20.6. Confirm the following reappointments to the Planning and Zoning Commission: Helen Gunther and Eric Pauly with terms to expire January 1, 2028.

20.7. Confirm the following reappointments to the Police Civilian Review Board: Dr. Allen Grymes and Lori Muetzel with terms to expire May 1, 2026.

21. END OF CONSENT AGENDA.

22. ADJOURN.

City of Springfield

Minutes

City Council

Ken McClure, Mayor

Zone Councilmembers	**General Councilmembers**
Monica Horton, Zone 1	Heather Hardinger, General A
Abe McGull, Zone 2	Craig Hosmer, General B
Brandon Jenson, Zone 3	Callie Carroll, General C
Matthew Simpson, Zone 4	Derek Lee, General D

January 8, 2024	**6:30 PM**	**Regional Police-Fire Training Center 2620 West Battlefield Road Room 101, 102, and 103**

1. ROLL CALL.

Present: Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, and Mayor McClure. Absent: None.

2. APPROVAL OF MINUTES.

2.1. Approval of Minutes. December 11, 2023, City Council Meeting and December 19, 2023, Special City Council Meeting.

Approval of Minutes. December 11, 2023, City Council meeting and December 19, 2023, Special City Council meeting. Mayor Pro Tem Simpson moved to approve the minutes as presented. Councilmember Jenson seconded the motion, and the minutes were approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.

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

4. CEREMONIAL MATTERS.

4.1. Council Bill 2024-001 (City Council)
A resolution recognizing the dedicated public service of Brendan Griesemer, Assistant Director of Planning and Development, upon the occasion of his retirement.

Councilmember Hosmer read the resolution in its entirety.

Jason Gage, City Manager, noted Brendan Griesemer's many accomplishments during his time with the City. He added the City wishes Mr. Griesemer well in his retirement.

Mayor McClure noted he met Mr. Griesemer during his time at Missouri State University. He added his respect for Mr. Griesemer has grown over the years. Mayor McClure noted Mr. Griesemer has had many notable accomplishments during his time with the City.

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

Council Bill 2024-001 (City Council). Resolution 10735 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

Mayor McClure presented Mr. Griesemer with the resolution. Mr. Griesemer thanked City Council for the recognition. He added the projects and initiatives listed were a result of great teamwork. Mr. Griesemer thanked staff, family, and friends for attending.

5. CITY MANAGER REPORT, CITIZENS' TAX OVERSIGHT COMMITTEE PRESENTATION, AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETING.

Jason Gage, City Manager, wished everyone a happy New Year.

Mr. Gage welcomed the new City Attorney Jordan Paul and new Planning and Development Director Steve Childers to their first City Council meeting. He noted Mr. Paul most recently served as the City Attorney for the City of Neosho and as Assistant City Attorney for the City of Joplin. He added Mr. Childers joined the City from the City of Ozark, where he served as the City Administrator for the past 17 years.

Mr. Gage noted the public is invited to learn how updates to the City’s development codes will help Springfield achieve the Forward SGF vision. The meeting is from 5:30 to 7:30 p.m. on Thursday, January 25, at the Springfield Art Museum. He added the Planning and Development staff and consultant Multistudio will be available at various stations at the open house to accept public input and answer questions.

Mr. Gage noted the Springfield City Council received an unmodified opinion, the highest level given on the City's financial statement audit from the City's independent auditing firm, RSM, at a Council Lunch Workshop in December. The firm indicated the audit showed no material weaknesses, significant deficiencies, or compliance issues.

Councilmember Jenson asked when the ConnectSGF study results might be presented to City Council. Mr. Gage responded he would find out and send the information to City Council. Councilmember Jenson noted he has been taking public transportation to the meetings since the relocation. He added getting to the meeting is easy. However, returning home after the meeting can take up to two hours.

David Troyer, a representative of the Citizens' Tax Oversight Committee, provided a report from the Citizen's Tax Oversight Committee. Mr. Troyer thanked City Council for the opportunity. He noted the Committee meets quarterly to review the collection and expenditure of sales taxes within the City. Mr. Troyer noted Dan Smith, Director of Public Works, and David Holtmann, Director of Finance, were helpful in assisting the Committee with understanding where the money was coming from and going to. He added the taxes reviewed are the 3/4-cent sales tax for police and fire pension, 1/8-cent transportation tax for transportation improvements, 1/4-cent capital improvement tax, the hotel/motel tax, and the level property tax. Mr. Troyer noted the Committee reported the expenditures of the taxes were appropriately classified and consistent with language approved by City Council.

Mayor McClure thanked Mr. Troyer and the Committee for the work they do.

6. SECOND READING AND FINAL PASSAGE.

Citizens Have Spoken. May Be Voted On.

6.1. Council Bill 2023-293 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.5 acres of property generally located at 5298 East Farm Road 104, from County R-1, Suburban Residence District, to HC, Highway Commercial District, with Conditional Overlay District No. 242; establishing Conditional Overlay District No. 242; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Kurt Wouk; 5298 E. Farm Road 104/ Z-29-2023 with Conditional Overlay District No. 242)

Council Bill 2023-293 (McGull). Ordinance 6827 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

6.2. Council Bill 2023-294 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.68 acre of property generally located at 2555 North Neergard, from GM, General Manufacturing District, to IC, Industrial Commercial District, with Conditional Overlay District No. 243; establishing Conditional Overlay District No. 243; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Barbara Lorenz; 2555 N. Neergard Avenue; Z-30-2023 with Conditional Overlay District No. 243)

Council Bill 2023-294 (McGull). Ordinance 6828 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

6.3. Council Bill 2023-295 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.70 acres of property generally located at 1650 South Ingram Mill Road, from GR, General Retail District, to CS, Commercial Service District, with Conditional Overlay District No. 244; establishing Conditional Overlay District No. 244; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: J&M Tillman, LLC; 1650 South Ingram Mill Road; Z-31-2023 with Conditional Overlay District No. 244)

Council Bill 2023-295 (McGull). Ordinance 6829 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

6.4. Council Bill 2023-296 (Simpson)

A special ordinance approving the final development plan of Planned Development District No. 12, 12th Amendment, generally located at 1249 East Kingsley Street. (Planning and Zoning Commission and Staff recommend approval.) (By: East Wichita Development, LLC; 1249 E. Kingsley Street; Final Development Plan – Planned Development 12, 12th Amend.)

Councilmember Lee recused himself from Council Bill 2023-296 and left the dais.

Council Bill 2023-296 (Simpson). Ordinance 27952 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, and Mayor McClure. Nays: None. Absent: Councilmember Lee. Abstain: None.

Councilmember Lee returned to the dais.

6.5. Council Bill 2023-301 (Jenson, McGull)

A special ordinance authorizing the City Manager, or designee, to enter into a Carbon Reduction Program Agreement with the Missouri Highways and Transportation Commission; and approving a budget adjustment amending the Fiscal Year 2023-2024 budget of the Department of Public Works in the amount of $240,000 to appropriate the federal grant funds.

Council Bill 2023-301 (Jenson, McGull). Ordinance 27953 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

6.6. Council Bill 2023-302 (McGull)

A special ordinance approving Olsson as the consultant to provide professional services for Phase II improvements at City's Cooper Park and Sports Complex, in the amount of $887,770, as an approved project for use of American Rescue Plan Act Funds received by City; and authorizing the Park Board Chair, or designee, to enter into a contract with Olsson for these purposes.

Council Bill 2023-302 (McGull). Ordinance 27954 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

6.7. Council Bill 2023-303 (Lee)

A special ordinance authorizing the City Manager, or designee, to enter into intellectual property and service agreements with the City of Cape Girardeau, Missouri to authorize the use of the City's intellectual property and provide consultation and services necessary to implement the City of Springfield's SafeAcross pedestrian safety program; and authorizing the City Manager, or designee, to enter into similar intellectual property and service agreements with the State of Missouri, its political subdivisions, other states, or their political subdivisions, to implement the City of Springfield's SafeAcross pedestrian safety program in those other jurisdictions.

Council Bill 2023-303 (Lee). Ordinance 27955 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

7. RESOLUTIONS.

Citizens May Speak. May Be Voted On.

7.1. Council Bill 2024-002 (City Council)

A resolution accepting the 2023 City of Springfield Housing Study and Neighborhood Revitalization Strategy.

Randall Whitman, Principal City Planner, provided a brief overview of the proposed. Mr. Whitman noted the proposed would allow for acceptance of the 2023 City of Springfield

Housing Study and Neighborhood Revitalization Strategy. Mr. Whitman further noted the report contains a complete housing and market study, a housing condition analysis, overlapping plans, including ForwardSGF, and contributions from the Nuisance Property Workgroup. He added the analysis identified 58 strategic recommendations and case studies. Mr. Whitman noted conducting the study was a recommendation from the neighborhoods chapter of ForwardSGF. The data will be used for future policy proposals and the City's code update. He added the full presentation is available on the ForwardSGF website under the initiatives tab.

Mayor McClure noted the proposal is to accept the report.

Councilmember Hosmer questioned what weight the study would carry when considering future issues of development. Mr. Whitman responded some of the findings in the study are relevant as they show a decline in homeownership and a lack of affordable housing. He added recommendations of the study would be referenced for various issues. Councilmember Hosmer asked the impact of passing the proposed. Mr. Whitman responded the study reinforces recommendations in the Comprehensive Plan and those of ForwardSGF.

An opportunity was given for citizens to express their views.

Alice Barber, a tenant leader with Springfield Tenants Unite, spoke in support of the proposed. Ms. Barber expressed her belief action needs to be taken on the recommendations. She noted the study found that more than one in five homes in Springfield are in need of repairs. Ms. Barber expressed her belief rental inspections should be mandatory and an option to legal services for those facing eviction.

Adam Edwards spoke in support of the proposed. Mr. Edwards noted his experience with housing issues. Mr. Edwards expressed his belief it is important to take care of each other.

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

Councilmember Hosmer expressed his support for the proposed. He expressed his belief City Council also has an obligation to implement solutions based on the recommendations.

Councilmember Jenson expressed his belief an important next step is to fully understand the study. He added the areas that stood out to him were stabilizing housing, stabilizing neighborhoods, improving neighborhoods, and improving housing. Councilmember Jenson expressed his belief rental protections should be included.

Council Bill 2024-002 (City Council). Resolution 10736 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

7.2. Council Bill 2024-003 (Hosmer)
A resolution authorizing the City Manager, or designee, to apply for a Youth Homeless System Improvement Program Grant from the Department of Housing and Urban Development, in a minimum amount of $200,000, for the purpose of increasing the capacity of the local Continuum of Care by improving its existing response systems.

Bob Atchley, Senior City Planner, provided a brief overview of the proposed. Mr. Atchley noted the proposed would allow the City to apply for a Youth Homeless System Improvement

Program Grant for a minimum amount of $200,000 in partnership with the Community Partnership of the Ozarks. The proposed would increase the capacity of the local Continuum of Care by improving existing response systems. He added the program is a competitive program. The funds would develop a youth financial stability program, coordinated entry access point, and complete gap analysis. The funding timeframe would be thirty months after the selection period.

An opportunity was given for citizens to express their views.

Emily Fessler, a representative of the Community Partnership of the Ozarks, spoke in support of the proposed. Ms. Fessler noted there are several committees that work together in effort to end homelessness. She added the Homeless Youth Task Force is in support of the application. Ms. Fessler noted the point-in-time count shows that on any given night there are approximately 109 youth aged 13 to 24 who are staying in emergency shelter or sleeping outside. Ms. Fessler added this does not include youth that are unstably housed.

John Oke-Thomas spoke in support of the proposed. Mr. Oke-Thomas expressed his belief the need for the funds is apparent. He expressed his belief youth should be given any opportunities possible to succeed in the future. He noted he would also look for ways to support local veterans.

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

Council Bill 2024-003 (Hosmer). Resolution 10737 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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

8.1. Council Bill 2024-004 (Hardinger)
A general ordinance submitting proposed amendments to Sections 2.1(1) and 2.6 of the Springfield City Charter to the qualified voters of the City at the general municipal election to be held by the City of Springfield on April 2, 2024, in order to change the length of the mayor's term from two years to four years with such change to first apply at the general municipal election to be held in 2025; and declaring an emergency.

Mayor McClure recused himself from Council Bill 2024-004 and left the dais.

Jordan Paul, City Attorney, provided a brief overview of the proposed. Mr. Paul noted the proposed would allow for submitting proposed amendments to Sections 2.1(1) and 2.6 of the Springfield City Charter to the qualified voters of the City at the general municipal election to be held by the City of Springfield on April 2, 2024, in order to change the length of the Mayor's term from two years to four years with such change to first apply at the general municipal election to be held in 2025. He added the maximum term limit of eight years would still apply.

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

Councilmember Horton expressed her belief a four-year term would ease the burden for the mayoral race. She added this would be aligned with the population size and would possibly add the benefit of the office of the mayor having time to achieve more. Councilmember Horton

expressed her belief the trade-off for this would be that citizens in Zone 1 and Zone 4 would influence the numeric majority at each election, creating an inequity for half of the City.

Councilmember Hosmer noted the voters would make the decision. He expressed his belief that presenting a clear and understandable issue to the voters is beneficial.

Councilmember Jenson expressed his belief that accountability and transparency are key, and this proposal seeks to reduce accountability checkpoints. He noted the previous two-year term was in response to issues in the 1980s. Councilmember Jenson expressed his opposition to the change.

Councilmember Horton expressed her belief the voters should be able to make the decision.

Mayor Pro Tem Simpson expressed his support for the proposed. He noted four-year terms are the norm for cities of this size. He added that a longer term allows for focus on long-term projects and impacts.

Council Bill 2024-004 (Hardinger). Ordinance 6830 was approved by the following vote: Ayes: Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee. Nays: Councilmember Jenson. Absent: Mayor McClure. Abstain: Councilmember Horton.

Mayor McClure returned to the dais.

8.2. Council Bill 2024-013 (Carroll)

A general ordinance submitting proposed amendments to Section 19.16 of the Springfield City Charter to the qualified voters of the City at the general municipal election to be held by the City of Springfield on April 2, 2024, in order to establish a code of ethics applicable to all elected officials, appointed officers, board members, and employees of the City, to include an obligation for City Council to maintain and review the ethics policy at least every other year, to revise language to address employee violation of Section 19.16 to be subject to disciplinary action up to and including termination of employment, and adding a legal defense to forfeiture of office or termination of employment if a prior, written advisory opinion from the City Attorney was obtained and relied upon in good faith; and declaring an emergency.

Jordan Paul, City Attorney, provided a brief overview of the proposed. Mr. Paul noted the proposed would add a section to allow City Council to adopt a code of ethics policy and to review that policy at least every other year. He further noted the proposed would remove employees from the same disciplinary action as City Council. The proposed would also add legal defense to forfeiture of office or termination of employment if a prior advisory option from the City Attorney was obtained and relied upon in good faith.

Mayor Pro Tem Simpson asked if the proposed would allow protection for an employee with a spouse who had entered into a contract. Mr. Paul noted any financial interest would trigger a violation of the code. However, this would add options other than termination for the employee.

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

Council Bill 2024-013 (Carroll). Ordinance 6831 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

9. PUBLIC IMPROVEMENTS.

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

10.1. Council Bill 2024-005 (Lee)

A special ordinance authorizing the City Manager, or designee, to accept a Disease Intervention Specialist Workforce Program Grant from the Federal Department of Health and Human Services Centers for Disease Control and Prevention through the Missouri Department of Health and Senior Services in the amount of $303,194.10 for use by the Springfield-Greene County Health Department in support of implementing sexually transmitted disease prevention and control strategies and to enter into necessary agreements to carry out the grant; amending the Fiscal Year 2023-2024 budget in the amount of $303,194.10 for the purpose of appropriating the grant funds; and declaring that this Ordinance qualifies for approval in one reading.

Jon Mooney, Assistant Director of Health, provided a brief overview of the proposed. Mr. Mooney noted the proposed would allow acceptance of a Disease Intervention Specialist Workforce Program Grant in the amount of $303,194.10. The grant would be used in support of implementing sexually transmitted disease prevention and control strategies to combat the rising number of cases of syphilis. Mr. Mooney noted syphilis can pose dangers to unborn children. He noted the program initially reached over 500 individuals.

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

Council Bill 2024-005 (Lee). Ordinance 27956 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

10.2. Council Bill 2024-006 (Lee)

A special ordinance authorizing the City Manager, or designee, to accept a Public Health Agency Infrastructure Grant from the Federal Department of Health and Human Services and the Centers for Disease Control and Prevention, through the Missouri Department of Health and Senior Services, in the amount of $601,902 for use by the Springfield-Greene County Health Department to develop a stronger workforce and improve software and data systems that are critical to public health efforts and to enter into necessary agreements to carry out the grant; amending the Fiscal Year 2023-2024 budget in the amount of $601,902 to appropriate the grant funds; and declaring that this Ordinance qualifies for approval in one reading.

Jon Mooney, Assistant Director of Health, provided a brief overview of the proposed. Mr. Mooney noted the proposed would allow acceptance of a Public Health Agency Infrastructure Grant in the amount of $601,902 to be used to develop a stronger workforce and improve software and data systems which are critical to public health efforts. He added the funds would also be used to strengthen connections with educational institutions and create additional opportunities for incoming individuals.

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

Council Bill 2024-006 (Lee). Ordinance 27957 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING.

Citizens May Speak. Not Anticipated To Be Voted On.

12.1. Council Bill 2024-007 (Carroll)
A general ordinance amending Chapter 36 of the Springfield City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Division 7, Sections 36-363, Conditional use permits and 36-368, Publication and Posting of Notices for the purpose of allowing City Council to add, modify, or remove conditions to a Conditional Use Permit. (Staff recommends approval; the Planning and Zoning Commission recommends denial.)

Michael Sparlin, Senior City Planner, provided a brief overview of the proposed. Mr. Sparlin noted the proposed would amend the Land Development Code to allow City Council to add, modify, or remove conditions to a Conditional Use Permit. He added the proposed was at the request of the Plans and Policies Committee. Mr. Sparlin noted the proposed would allow the Planning and Zoning Commission and City Council to impose conditions upon uses and structures to mitigate adverse effects. He further noted the proposed amendment has similar language to that used for zoning and text amendments. Mr. Sparlin added City Council currently has the ability to remand items back to the Planning and Zoning Commission for further review. Mr. Sparlin noted that Planning staff recommended approval and the Planning and Zoning Commission recommended denial by a vote of 7-0. The reasons given for denial were as follows: the City had not given them a reason for the change; the City recently passed a new Comprehensive Plan that will create a new Land Development Code; the public would lose one opportunity for comment which minimizes transparency. Councilmember Jenson asked how often this issue has arisen in Conditional Use Permit cases. Mr. Sparlin responded Conditional Use Permit cases are rarer. He added the issue was brought forward by the Plans and Policies Committee due to a previous issue. Mr. Sparlin did not have a specific number of cases.

Councilmember Hosmer asked what was communicated to the Planning and Zoning Commission regarding why the change was requested. Mr. Sparlin responded the staff report in the packet was given and that City Council would like to have the opportunity to modify conditional use permits. Councilmember Hosmer expressed his belief the work done by the Planning and Zoning Commission and their dedication should be respected. He expressed his belief City Council should meet with the Commission to discuss any changes.

Councilmember Horton asked what groups were contacted regarding the proposed text amendment. She asked what feedback was received. Mr. Sparlin responded no feedback was received. He added he was not personally involved in any meetings, but the information was

sent out to various groups by email.

Councilmember McGull noted part of the rationale behind the change was to streamline the process for rare cases where a small modification may have been needed. Councilmember McGull asked if a conditional use permit would still be able to be remanded to the Planning and Zoning Commission under the proposed. Mr.
Sparlin responded affirmatively. Councilmember McGull expressed his belief the proposed makes sense when small modifications are needed.

Councilmember Lee expressed his agreement with Councilmember McGull. He asked if similar language is in place for zoning cases. Mr. Sparlin responded affirmatively. Councilmember Lee noted conditional use permits are more complicated and detailed than straight zoning cases. He expressed his support for the proposed.

Mayor Pro Tem Simpson asked for confirmation that the proposed would make the process for conditional use permits consistent with that of zoning cases. Mr. Sparlin responded affirmatively.

Jason Gage, City Manager, noted there is Charter language that addresses zoning cases.

Councilmember Hosmer noted there are more restrictions on conditional use permits while zoning cases typically do not have the same number of conditions. Mr. Sparlin responded zoning cases could have a conditional overlay district included. Councilmember Hosmer expressed his belief City Council should share its thoughts with the Planning and Zoning Commission.

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

13. FIRST READING BILLS.

Citizens May Speak. Not Anticipated To Be Voted On.

13.1. Council Bill 2024-008 (Simpson, Hardinger, Horton, and Jenson)
A general ordinance amending the Fee Schedule for certain City services as provided in the Springfield City Code, by making such adjustments as provided in the attached “Evaluation of Charges for Municipal Services”; and adopting new fees for certain City Services.

Teresa Allen, Budget Coordinator, provided a brief overview of the proposed. Ms. Allen noted the proposed would accept the Evaluation of Municipal Charges. She added one-third of fees are evaluated on an annual basis. Ms. Allen further noted this is the fourth year using this methodology. The fees reviewed this year were Public Works, Environmental Services, and Enterprise Fund fees. Ms. Allen thanked the Finance and Administration Committee for its recommendations. She added the remaining two-thirds of fees that were not reviewed will increase by the Consumer Price Index (CPI) to keep up with inflation. For this fee study, the CPI was 3 percent and will be applied on July 1, 2024. Ms. Allen noted fees for Hazelwood Cemetery were an exception to the CPI increase as the market must be considered. She added Enterprise Fund Fees are unique in recovering costs by providing the service today and considering future capital needs. The new fee added was for Hazelwood Cemetery, and the existing fee for micromobility devices was new to the study. No fees were recommended to be eliminated, 4 fees were recommended to be reduced, 25 fees were recommended to have no change, and 96 fees were recommended to be increased. Ms. Allen added the

impact of the fee study is anticipated to generate $1.8 million in total revenue. $1.7 million would be designated for the Non-General Fund. The fee study was presented to the Finance and Administration Committee which recommended accepting the study as presented and development fees were presented to 14 stakeholders for comment.

Mayor Pro Tem Simpson thanked Ms. Allen and her team for their work on the study. He expressed his belief the rotating review of fees has provided a benefit. He noted former Councilmember Andy Lear spearheaded the changes.

Councilmember Hosmer asked if Fees In Lieu Of, particularly for sidewalks, had been reviewed. Ms. Allen noted a request can be considered by the City to accept a Fee In Lieu Of if certain conditions exist or construction is not practical. The decision to accept the Fee In Lieu of rests with the City Manager and the Director of Public Works. The fees collected are maintained in a separate fund to be used for future construction within those Council Zone areas. The fee for sidewalks initially was to obtain 75 percent cost recovery and increase by the CPI next year. The cost would increase to 100 percent cost recovery in this year's study. The cost shows the low bid. Ms. Allen noted the Fee In Lieu of Stormwater would increase by the CPI.

Councilmember McGull asked if an agreement is signed with the landowner for Fee In Lieu Of sidewalks, does the fee remain with the property. Mr. Gage responded he did not believe the fee remains with the property. Dan Smith, Director of Public Works, responded the fee is tracked and the fee would not have to be paid again by a new owner.

Councilmember Lee asked if the fees are dependent on whether the area is residential or commercial. Mr. Smith the option of building the sidewalk is available if the development feels it would be less expensive.

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

13.2. Council Bill 2024-009 (Simpson)

A special ordinance approving the selection of The Salvation Army and Women’s Medical Respite as recipients of the City’s Coronavirus State and Local Fiscal Recovery Funds allotted for non-congregate shelters; and authorizing the City Manager, or designee, to enter into agreements to carry out the programs.

Mayor McClure recused himself from Council Bill 2024-009 and left the dais.

Bob Jones, Grants Administrator, provided a brief overview of the proposed. Mr. Jones noted the proposed would allow the City's Coronavirus State and Local Fiscal Recovery Funds which were allotted for non-congregate shelters to be carried over and granted to The Salvation Army and to Women's Medical Respite. Mr. Jones noted there were three applicants which are all active in working with the homeless community. He explained the process. Mr. Jones noted the proposals were evaluated independently by five staff members. There were ten evaluation factors that focused on the viability of the project, the experience of the applicant, the increase in shelter beds, and readiness to proceed with the project in order to meet American Rescue Plan Act (ARPA) expenditure guidelines. Mr. Jones added the proposals were ranked according to these factors, and it was recommended to accept the proposals of The Salvation Army and the Women's Medical Respite as they would increase the bed count and provide sustainable support for homeless individuals.

Councilmember McGull asked Mr. Jones if he participated in the evaluation of the submission. Mr. Jones responded affirmatively. Councilmember McGull asked for clarification of the deficiency of Safe to Sleep which the others didn't have. Mr. Jones responded Safe to Sleep was not increasing the number of beds according to scoring criteria, and a property agreement for the site was not signed, limiting the site control.

Councilmember Jenson asked how many new units would be added. Mr. Jones responded the Salvation Army would increase their available beds from 56 to 100, and the Women's Medical Respite would accommodate three additional people.

An opportunity was given for citizens to express their views.

Jaimie Trussel, a representative of the Council of Churches, addressed City Council. Ms. Trussel thanked City Council for their consideration of the proposals. Ms. Trussel noted the Council of Churches has served vulnerable residents in the community for five decades. She added most of their funding comes from State and local agencies. Ms. Trussel noted Safe to Sleep is the area's only emergency women's shelter. She added the facility has never been full in its current facility. Ms. Trussel asked City Council to consider the loss of fifty shelter beds due to Safe to Sleep being in a temporary space. Ms. Trussel noted the Department of Economic Development at the State of Missouri granted the organization $1.9 million. Ms. Trussel noted the Council of Churches has been in real estate negotiations for six months regarding a permanent location. She expressed her belief an investment in their proposal would secure the future of Safe to Sleep.

Councilmember Horton asked if the project would be 100 percent funded if the organization received the funds it requested from the City. Ms. Trussel responded they have not yet received the contractor's bid, but there was no reason they could not open with secured funding. She added the project would be completed in phases because the property would need renovations.

Mayor Pro Tem Simpson asked Mr. Gage if this would be a project that could be reviewed by the ARPA Committee for consideration for funding. Mr. Gage responded it was possible as there was additional funding that could be allocated for this purpose.

Councilmember Lee asked Mr. Jones if the deciding body knew that Safe to Sleep utilizes a temporary shelter. Mr. Jones responded affirmatively.

Councilmember McGull asked if this is the only women's shelter in the city. Ms. Trussel responded it is the only women's low barrier shelter, meaning no identification is needed to receive shelter. Councilmember McGull expressed his belief Safe to Sleep may need to be considered for additional funding.

Councilmember Jenson asked if there was a deadline to secure a match commitment. Ms. Trussel responded the deadline was the same for the State funding and local funding.

Councilmember Hardinger thanked Ms. Trussel for appearing and thanked the Council of Churches and Safe to Sleep for what they provide for the community. She noted Safe to Sleep also provides support and case management for individuals. Councilmember Hardinger asked if the state funding was contingent upon receiving a match. Ms. Trussel responded affirmatively.

Councilmember Hosmer asked if State funding would be lost if local funding was not secured. Ms. Trussel responded she would begin fundraising if a local match was not received.

Mayor Pro Tem Simpson asked how to proceed with consideration of funding for Safe to Sleep. Mr. Gage noted it would be dependent on how quickly a meeting of the ARPA Committee could be scheduled, so a recommendation could be brought to City Council.

Abbie Cool addressed City Council. Ms. Cool, the Director of Women's Medical Respite, noted they care for unsheltered women who have acute illness. Ms. Cool noted they work with Safe to Sleep, One Door, and Mercy to assist women with recovery. Ms. Cool further noted there are communities in the United States which employ a respite model. She added they are the only women's respite in the State of Missouri. Ms. Cool added they will serve up to eight women in a house they will move into next month. She noted the money they have requested through the grant would provide for the replacement of a furnace and a fence.

Mayor Pro Tem Simpson thanked Ms. Cool for her work.

Councilmember Jenson thanked Ms. Cool for speaking. He asked if the project would be severely jeopardized with the reduced amount and how the gap would be fulfilled. Ms. Cool responded they would be fundraising in an effort to make up the difference.

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

Mayor McClure returned to the dais.

13.3. Council Bill 2024-010 (Carroll)

A special ordinance approving the Eighth Amendment to the July 1, 2021, Collective Bargaining Agreement between the City and the Springfield Police Officers Association, Fraternal Order of Police Lodge 22, representing changes requested by the Springfield Police Officers Association, Fraternal Order of Police Lodge 22, regarding seniority and reinstatements; and authorizing the City Manager, or designee, on behalf of the City, to execute and deliver the Eighth Amendment to the Collective Bargaining Agreement to the Springfield Police Officers Association, Fraternal Order of Police Lodge 22.

Darla Morrison, Director of Human Resources, provided a brief overview of the proposed. Ms. Morrison noted the proposed would authorize the 8th amendment to the Springfield Police Officers' Collective Bargaining Agreement, primarily addressing how seniority is handled. Ms. Morrison added that seniority is currently based on the last date of hire. She noted this is different from how seniority is handled for other positions. Ms. Morrison further noted the proposed would no longer require department seniority to be based on the last date of hire. She expressed her belief this change could positively affect officers applying for reinstatement.

Councilmember McGull expressed his belief the proposal sounded good. He asked how the proposed would affect linear promotion. Ms. Morrison responded the proposed could affect how many promotions would be available. She added there are other factors to consider including that the individual has to apply for reinstatement within a year of separation.

Councilmember Hosmer asked how many Police Officers are in the old retirement system. Ms. Morrison responded there are approximately 40. Councilmember Hosmer expressed his belief the City should do everything possible to recruit new officers, given the City is approximately 60 officers short of full staff. Ms. Morrison noted the proposed would be for officers that have resigned and a Council Bill for retirees would be heard at the next meeting.

Councilmember Jenson asked if reinstated officers continue to be under the old pension system. Ms. Morrison responded they would not. She added the City Code would prohibit that. Councilmember Jenson expressed his belief it is important to make sure officers have advancement opportunities. He asked for a meeting to discuss what goes into a Collective Bargaining Agreement.

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

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

14.1. Christopher Cross wishes to address City Council.

Christopher Cross addressed City Council. Mr. Cross thanked City Council for obtaining an Americans with Disabilities Act (ADA) compliant podium. He noted his address is concealed by State Law. Mr. Cross discussed Council Bill 2023-268 which was tabled and subsequently had sponsorship withdrawn. Mr. Cross noted he had requested a meeting with Councilmembers, which Councilmember Jenson attended. He added he was asked to redraft the bill. Mr. Cross expressed his belief a Council Bill for the issue is needed but needs to consider individuals with disabilities. He expressed his belief the bill he drafted addressed these issues and should go through the Mayor's Commission on Human Rights to eliminate conflicts of interest. Mr. Cross suggested a Mayor's Commission on Disabilities be created.

14.2. Alice Barber wishes to address City Council.

Alice Barber, a resident of Zone 2 and leader with Springfield Tenants Unite, addressed City Council. Ms. Barber spoke in regard to Council Bill 2023-268. She thanked City Council for removing the bill from the agenda. Ms. Barber expressed her concern with the issues in the bill being resolved. She noted there should be a clear and just protocol for the bill. She expressed her belief there should be no ambiguity in rules that ban individuals from City property. She added steps to protect the rights of citizens should be evident in the policy. Ms. Barber expressed her belief any policy which restricts access to City services must be held to the highest standard and be clearly understood.

14.3. Nathaniel Smith wishes to address City Council. Did Not Appear.

14.4. Jeff Smith wishes to address City Council. Did Not Appear.

14.5. Abbie Cool wishes to address City Council. Withdrew.

14.6. Megan Herzog wishes to address City Council. Did Not Appear.

15. NEW BUSINESS.

15.1. 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.

15.2. The Public Involvement Committee recommends the following appointment to the Citizens' Advisory Committee for Community Development: Zipporah Burns with term to expire May 1, 2024. Recommended.

15.3. The Public Involvement Committee recommends the following appointment to the Citizens' Advisory Committee for Community Development: Jared Durden with term to expire May 1, 2026. Recommended.

15.4. The Public Involvement Committee recommends the following reappointments to the Landmarks Board: Adam Letterman and Bryan Lenox with terms to expire November 1, 2026. Recommended.

15.5. The Public Involvement Committee recommends the following appointment to the Personnel Board: Amanda Cooper with term to expire March 1, 2025. Recommended.

15.6. The Public Involvement Committee recommends the following reappointments to the Planning and Zoning Commission: Helen Gunther and Eric Pauly with terms to expire January 1, 2028. Recommended.

15.7. The Committee of the Whole recommends the following reappointments to the Police Civilian Review Board: Dr. Allen Grymes and Lori Muetzel with terms to expire May 1, 2026. Recommended.

16. UNFINISHED BUSINESS.

17. MISCELLANEOUS.

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

18.1. Council Bill 2024-011 (Horton)
A special ordinance authorizing the City Manager, or designee, on behalf of the City of Springfield, to enter into a Contract for Sale of Real Estate with Springfield QOZ Self-Storage LLC d/b/a Devon Self-Storage, for 0.43 acres of vacant land in the 300 block of West Chestnut Street; and authorizing the issuance of a quitclaim deed for the same. (Staff recommends approval.)

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

19.1. Council Bill 2024-012 (Hardinger)
A resolution confirming the appointment of Teresa Emerson to the Commercial Street Community Improvement District Board of Directors. (Staff recommends approval.)

Council Bill 2024-012 (Hardinger). Resolution 10738 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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

20.1. Council Bill 2023-304 (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 Patel Subdivision, generally located at 4808 East Parallel Lane, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Council Bill 2023-304 (McGull). Ordinance 27958 was by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

20.2. Confirm the following appointment to the Mayor's Commission on Human Rights and Community Relations: Dan Furtak with term to expire October 1, 2026. Confirmed.

20.3. Confirm the following appointment to the Mayor's Commission on Human Rights and Community Relations: Gail Herbert with term to expire October 1, 2025. Confirmed.

20.4. Confirm the following reappointments to the Mayor's Commission on Human Rights and Community Relations: Rachel Naab and Jamea Crum with terms to expire October 1, 2026. Confirmed.

Note: The name Rachel Naab was corrected from Nabb to Naab.

20.5. Confirm the following appointments to the Tree City USA Citizen Advisory Committee: Addison Jones and Justin Sheppard with terms to expire December 1, 2026. Confirmed.

20.6. Confirm the following reappointment to the Tree City USA Citizen Advisory Committee: Michael Brittain with term to expire December 1, 2026. Confirmed.

20.7. Confirm the following reappointment to the Springfield Convention and Visitors Bureau, Inc.: Brad Beattie with term to expire January 1, 2027. Confirmed.

20.8. Confirm the following appointment to the Springfield Convention and Visitors Bureau, Inc.: Nancy Riggs with term to expire January 1, 2027. Confirmed.

21. END OF CONSENT AGENDA.

22. ADJOURN.

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

EXPLANATION TO COUNCIL BILL 2024-014 (MAYOR MCCLURE)

FILED: 01/16/2024

ORIGINATING DEPARTMENT: City Clerk

TITLE: A resolution recognizing the dedicated public service of Bob Belote, Director of Parks and Recreation, upon the occasion of his retirement.

PURPOSE: The City Council of Springfield, Missouri, wishes to recognize and honor Bob Belote with gratitude, for his 20 plus years of dedicated service to the City of Springfield, the City Council, the Springfield-Greene County Park Board, the Greene County Commission, and the citizens of this community, and wishes him many years of leisure time and enjoyment upon the occasion of his retirement.

BACKGROUND INFORMATION: Bob Belote's Parks and Recreation career has spanned over a thirty-five-year timeframe, beginning as a graduate-level intern with the Springfield-Greene County Park Board, serving as an Assistant Director of Parks for the City of Blue Springs, Missouri, a Director of Parks and Recreation for both the City of Sioux City, Iowa, and the City of Independence, Missouri, before coming to Springfield for a consecutive twenty-year career, including as a Superintendent of Recreation, an Assistant Director, and most recently as the Director of Parks and Recreation where he served as the Director for twelve year.

Under Mr. Belote's leadership, the Park Board achieved its National Recreation and Park Association's CAPRA (Commission for Accreditation of Park and Recreation Agencies) Accreditation in 2016 and reaccreditation in 2021, ranking the Park Board among the top two percent of Parks and Recreation agencies in the Country.

Mr. Belote kept the Springfield-Greene County parks, trails and open spaces open and available during the height of the COVID-19 pandemic and restored programming as quickly thereafter as possible, rebounding with record-breaking golf revenue, canoe and kayak rentals, and trail usage.

Mr. Belote led his team to become the first parks department inducted into the Missouri Sports Hall of Fame in 2018.

During Mr. Belote's time of service with the City, the Park Board expanded its two-time Park Law Enforcement Association National Award-Winning Park Ranger Division from one to eight full-time rangers to improve the safety and well-being of all park citizens, employees and properties; and

Under Mr. Belote's direction and guidance, and in conjunction with the City of Springfield's Forward SGF Comprehensive Plan, the Park Board adopted its new Parks

& Recreation Master Plan in 2021; and

During Mr. Belote's time of service with the City, the Park Board celebrated its 100th Anniversary in 2013, and the Dickerson Park Zoo celebrated its 100th Anniversary in 2013.

Under Mr. Belote's leadership, the Park Board's Springfield Lasers Pro Tennis Franchise won the World TeamTennis Championships in both 2018 and 2019.

Submitted By: Anita Cotter, City Clerk

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Jason Gage, City Manager 1/17/2024

Attachments: 1. Belote Retirement_res (1)

One-rdg. X
P. Hrngs. _____
Pgs. 4
Filed: 01-16-24

Sponsored by: McClure

COUNCIL BILL 2024-014 RESOLUTION _____

A RESOLUTION

RECOGNIZING the dedicated public service of Bob Belote, Director of Parks and Recreation, upon the occasion of his retirement.

WHEREAS, Bob Belote's Parks and Recreation career has spanned over a thirty-five-year timeframe, beginning as a graduate-level intern with the Springfield-Greene County Park Board, serving as an Assistant Director of Parks for the City of Blue Springs, Missouri, a Director of Parks and Recreation for both the City of Sioux City, Iowa, and the City of Independence, Missouri, before coming to Springfield for a consecutive twenty-year career, including as a Superintendent of Recreation, an Assistant Director, and most recently as the Director of Parks and Recreation where he served as the Director for twelve years; and

WHEREAS, under Mr. Belote's leadership, the Park Board achieved its National Recreation and Park Association's CAPRA (Commission for Accreditation of Park and Recreation Agencies) Accreditation in 2016 and reaccreditation in 2021, ranking the Park Board among the top two percent of Parks and Recreation agencies in the Country; and

WHEREAS, during his time of service with the City, Mr. Belote kept the Springfield-Greene County parks, trails, and open spaces open and available during the height of the COVID-19 pandemic and restored programing as quickly thereafter as possible, rebounding with record-breaking golf revenue, canoe and kayak rentals, and trail usage; and

WHEREAS, during Mr. Belote's time of service with the City, the Park Board expanded its two-time Park Law Enforcement Association National Award-Winning Park Ranger Division from one to eight full-time rangers to improve the safety and well-being of all park citizens, employees, and properties; and

WHEREAS, under Mr. Belote's direction and guidance, and in conjunction with the City of Springfield's Forward SGF Comprehensive Plan, the Park Board adopted its new Parks & Recreation Master Plan in 2021; and

WHEREAS, during Mr. Belote's time of service with the City, the Park Board celebrated its 100th Anniversary in 2013, and the Dickerson Park Zoo celebrated its 100th Anniversary in 2013; and

WHEREAS, under Mr. Belote's leadership, the Park Board's Springfield Lasers Pro Tennis Franchise won the World TeamTennis Championships in both 2018 and 2019.

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

Section 1 – The City Council of Springfield, Missouri, hereby recognizes and honors Bob Belote with gratitude, for his 20 plus years of dedicated service to the City of Springfield, the City Council, the Springfield-Greene County Park Board, the Greene County Commission, and the citizens of this community, and wishes him many years of leisure time and enjoyment upon the occasion of his retirement.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution _____

Approved as to form: _____, City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2024-007 (CARROLL)

FILED: 01/11/2024

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending Chapter 36 of the Springfield City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Division 7, Sections 36-363, Conditional use permits and 36-368, Publication and Posting of Notices for the purpose of allowing City Council to add, modify, or remove conditions to a Conditional Use Permit. (Staff recommends approval; the Planning and Zoning Commission recommends denial.)

PURPOSE: Amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Division 7, Sections 36-363, Conditional use permits and 36-368, Publication and Posting of Notices for the purpose of allowing City Council to add, modify or remove conditions to a Conditional Use Permit. (Staff recommends approval; the Planning and Zoning Commission recommends denial).

BACKGROUND INFORMATION: <u>ZONING ORDINANCE TEXT AMENDMENT: CONDITIONAL USE PERMIT TEXT AMENDMENT</u>

At their November 17, 2022, meeting, the Plans and Policies Committee voted to recommend that City Council initiate amendments related to Conditional Use Permits ("CUP"). City Council initiated these amendments to the Zoning Ordinance on March 6, 2023.

FINDINGS FOR STAFF RECOMMENDATION:

1. The Planning and Zoning Commission held at public hearing on this text amendment. Commission postponed this case to seek more comment. No further comment has been received to date.
2. The Planning and Zoning Commission postponed this text amendment on March 23, 2023, to ensure that the proposed language would allow City Council to modify or remove conditions of a CUP. The proposed language has been edited to reflect the intent of this amendment.
3. The Planning and Zoning Commission postponed this text amendment to December 2024. After further review by staff, it was determined that Planning and Zoning Commission does not have the authority to postpone City Council initiated text amendments and is required to make its recommendation within 30 days of the public hearing according to Section 36-367(6) which reads:

Recommendations. Within 30 days after the public hearing, except when the applicant requests the amendment be tabled or there is a tie vote by the commission, the

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

1. Recommend against the proposed change in the zoning district classification or the text of this article.

2. Recommend a change in the zoning district classification or the text of this article.

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.

4. Staff is proposing amendments to allow City Council to add, modify or remove conditions to a Conditional Use Permit. The discretionary conditional use permit procedure is designed to enable the Planning and Zoning Commission and the City Council to impose conditions upon such uses and structures that are designed to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.

5. The current language has been interpreted that City Council does not have the ability to impose conditions. These amendments will ensure that the intent of the conditional use permit process is realized by City Council's ability to impose conditions upon such uses and structures that are designed to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure. The proposed amendment is similar to language in section 36-367 (11) for zoning and text amendments; 36-367 (11) (a) Actions of City Council. When the planning and zoning commission has recommended a change in the zoning district classification or the text of this article together with recommendations for additional requirements pursuant to subsection 36-367(6)(c), the city council shall have discretion to either accept, reject, or make other or additional requirements.

6. The City Council still has the ability to remand items back to Commission for further review if needed, but this allows the Council the authority to impose additional conditions or other additional requirements. However, by City Code, if changes are proposed to site plans there will be a two-week layover to allow applicants/designers to make any changes to site plans and to allow staff to review and to comment as to the proposed changes meeting or not meeting city standards.

7. The proposed text amendment is consistent with the Springfield Comprehensive Plan; The ability of City Council to respond to potentially adverse impacts of certain uses is consistent with the Comprehensive Plan's guiding principle of Quality of Place.

8. The proposed text amendment is consistent with the intent and purpose of this article; The proposed amendment meets the intent of the conditional use permit

process as defined by the Zoning Ordinance.

9. The areas of the city that are most likely to be affected by the proposed text amendment and the manner in which those areas will be affected are citywide.

10. The proposed text amendment is not necessitated by a change in conditions in the zoning districts affected and the nature of such changed conditions. Rather, this amendment was necessitated by Council having the ability to add or amendment conditions to a CUP.

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

REMARKS: The Planning and Zoning Commission held a public hearing on November 9, 2023, and at their meeting on November 30, 2023 recommended **denial**, by a vote of 7 to 0, which included a motion that stated that if the commission recommends denial and that the denial includes the following language:

1. The city has not provided us with a reason why this change to our land development code is necessary.

2. The city recently passed a new comprehensive plan that will cause an entirely new land development code to be presented to the planning commission and ultimately city council.

3. Allowing for changes and modifications without planning commission input takes away from the public another opportunity to comment and ultimately reduces transparency and development projects that affect our neighborhoods, citizens, and city; and

4. This commission has placed on hold other text amendments out of respect for a new land development code coming forward. The Planning and Development staff recommends the text amendment be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION: Staff recommends approval of the text amendment based on its consistency with the *Comprehensive Plan.*

Submitted By: Michael Sparlin, Senior City Planner

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

Attachments: 1. Conditional Use Permit_ord

2. Conditional Use Permit_exhA
3. Conditional Use Permit_exhB

One-rdg._____
P. Hrngs._____
Pgs._____29_____
Filed:_____01-02-24_____

Sponsored by:_____Carroll_____

First Reading:_____ Second Reading:_____

COUNCIL BILL_____2024-007_____ GENERAL ORDINANCE_____

AN ORDINANCE

AMENDING Chapter 36 of the Springfield City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Division 7, Sections 36-363, Conditional use permits and 36-368, Publication and Posting of Notices for the purpose of allowing City Council to add, modify, or remove conditions to a Conditional Use Permit. (Staff recommends approval; the Planning and Zoning Commission recommends denial.)

_____

WHEREAS, the City Council initiated amendments to Sections 36-363 and 36-368 of the Springfield City Code at its meeting on March 6, 2023; and

WHEREAS, the proposed amendments would allow City Council to add, modify, or remove conditions to a Conditional Use Permit without requiring the matter be remanded to the Planning and Zoning Commission; and

WHEREAS, following proper notice, the Planning and Zoning Commission held a public hearing regarding the proposed amendments to Sections 36-363 and 36-368 on November 9, 2023, a copy of the Record of Proceedings from said public hearing being attached hereto and incorporated herein by this reference as "Exhibit A," and at its meeting on November 30, 2023, recommended denial of the proposed changes; and

WHEREAS, City Council now desires to adopt the proposed changes to Sections 36-363 and 36-368 contained in this Ordinance.

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

Section 1 – Chapter 36 of the Springfield City Code, known as the 'Land Development Code," Article III, 'Zoning Regulations,' Division 3, 'Administration, Enforcement, and Review,' Section 36-350, 'Planning and zoning commission,' is hereby amended to read as follows:

Note: Language to be added is underlined, language to be removed is ~~stricken~~ and existing language is black.

Sec. 36-363. Conditional use permits.

(1) *Purpose.* The conditional use permit procedure is designed to provide the planning and zoning commission and the city council with ~~an~~ the opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. The purpose of the reviews is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located so as to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. The discretionary conditional use permit procedure is designed to enable ~~the planning and zoning commission and~~ the city council, after considering any recommendations of the planning and zoning commission, to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a conditional use permit when it is apparent that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.

(2) *Authorized conditional uses.* The ~~planning and zoning commission may recommend, and the~~ city council, after considering any recommendations of the planning and zoning commission, may authorize the establishment of those conditional uses that are expressly authorized to be permitted as a conditional use in a particular zoning district or in one or more zoning districts. No conditional use shall be authorized unless this article specifically authorizes such conditional use to be granted and unless such grant complies with all of the applicable provisions of this article.

(3) *Contents of application.* An application for a conditional use permit shall be filed with the department of planning and development. The application shall contain the following information as well as such additional information as may be prescribed by rule of the planning and zoning commission or the director of planning and development.

(a) The applicant's name and address and his legal interest in the subject property.

(b) The owner's name and address, including trustees, and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his behalf.

(c) The street address (or common description) and a copy of the deed of record or legal description of the property as prepared by and certified by a land surveyor or attorney.

(d) The zoning classification and present use of the subject property.

(e) A description of the proposed conditional use.

(f) The names and addresses of all owners of real property, as shown on the records of the county assessor, adjacent to, or within 185 feet of the subject property. The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield, or attorney at law.

(g) A site plan, pursuant to section 36-360, site plan review, of this article.

(h) A statement as to why the proposed conditional use will comply with the applicable standards in subsection (10) [of this section].

(i) A statement as to how the proposed conditional use is to be designed, arranged and operated in order to ensure that development and use of neighboring property in accordance with the applicable district regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected.

(j) An identification of any potentially adverse effects that may be associated with the proposed conditional use, and of the means proposed by the applicant to avoid, minimize or mitigate such effects.

(4) *Planning and zoning commission h~~H~~earing on conditional use permit application.* After the director of planning and development, or designee, has certified to the planning and zoning commission that a conditional use permit application is complete and does not contain or reveal violations of this article or other applicable regulations, the planning and zoning commission shall hold a public hearing on the application. Notice of this hearing shall be given in the manner and form required by section 36-368, publication and posting of notices, of this article. After this hearing, the planning and zoning commission may recommend that the city council grant or deny the conditional use permit application. When recommending that the council grant a conditional use permit application, the planning and zoning commission may recommend that the council impose conditions, safeguards, and restrictions upon the premises benefitted by the conditional use that the planning and zoning commission believes necessary to comply with the standards set out in subsection (10) of this

section to avoid, minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article ~~A public hearing on an application for a conditional use permit shall be held and notice thereof given in the manner and form required by section 36-368, publication and posting of notices, of this article. No public hearing on a conditional use permit application shall be held unless the director of planning and development, or his duly designated delegate, has certified to the planning and zoning commission that the application is complete and does not contain or reveal violations of this article or other applicable regulations~~.

After its public hearing on the conditional use permit application is concluded, the planning and zoning commission shall transmit to the city council its recommendation containing specific findings of fact on the proposed conditional use without unreasonable delay and in all cases, within 30 days from the close of the hearing. The executive secretary of the planning and zoning commission shall maintain complete records of all actions of the commission and the city council with respect to applications for conditional use permits.

~~*(5) Conditions and restrictions.* In granting a conditional use, the planning and zoning commission may recommend, and the city council may impose such conditions, safeguards and restrictions upon the premises benefitted by the conditional use as may be necessary to comply with the standards set out in subsection (10) of this article [section] to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the ordinance approving the conditional use permit.~~

~~*(6) Decisions and records.* The planning and zoning commission shall, after the public hearing is concluded, transmit to the city council its recommendation containing specific findings of fact on the proposed conditional use without unreasonable delay and in all cases, within 30 days from the close of the hearing. The secretary of the planning and zoning commission shall maintain complete records of all actions of the commission and the city council with respect to applications for conditional use permits.~~

(5~~6~~) *City council hearing on conditional use permit application*. After receipt of the planning and zoning commission's recommendation and report on the conditional use permit application, the city council shall hold a public hearing on the application. Notice of this hearing shall be given in the manner and form required by section 36-368, publication and posting of notices, of this article. At this hearing, the city council shall consider the application, together with the planning and zoning commission's recommendations on the application. After this hearing, the council may grant or deny the conditional use permit application. When granting a conditional use permit, the city council shall consider any conditions, safeguards, or restrictions that the planning and zoning

commission recommended for imposition on the premises benefitted by the conditional use. However, the city council may modify or delete any such conditions, safeguards, and restrictions recommended by the planning and zoning commission. The city council may also add any conditions, safeguards, and restrictions not recommended by the planning and zoning commission that the city council believes necessary for the conditional use to comply with the standards set out in subsection (10) of this section to avoid, minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. All conditions imposed by the City Council on the conditional use shall be set out in the ordinance approving the conditional use permit.

(6~~7~~) *Effect of issuance of a permit for a conditional use.* The issuance of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, structural alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals, which may be required by the codes and ordinances of the city, including, but not limited to, a building permit, a certificate of occupancy or subdivision approval.

(7~~8~~) *Period of validity.*

(a) No conditional use permit shall be valid for a period longer than 18 months from the date on which the city council grants the conditional use permit, unless within such 18 months period:

1. A building permit is obtained and the erection or alteration of a structure is started; or
2. An occupancy permit is obtained and the conditional use commenced.

The city council may grant one additional extension not exceeding 18 months, upon written application, without notice or hearing provided such grant is approved by city council prior to the expiration of the original 18-month period. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit. This additional extension shall be considered to have begun on the date of expiration of the original conditional use permit regardless of when this additional extension is granted by city council.

(b) When a conditional use is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be reestablished or resumed unless a new conditional use permit is granted by city council consistent with this section. The burden of proof shall be on the

property owner to show that the conditional use has not been discontinued or abandoned for a period of 12 consecutive months or longer.

(8~~9~~) *Amendments.* Amendments or changes as to the use authorized by the conditional use process must follow the same process as the original conditional use application. Expansions or additions to structures associated with conditional uses may be approved by the director of planning and development without further conditional use authorization under the following circumstances:

(a) Said proposed expansion is limited to a structural addition to an existing or proposed building not to exceed ten percent of the gross building floor area within the existing structure to be expanded.

(b) Said proposed expansion is limited to one time subsequent to the original conditional use authorization.

(c) Said proposed expansion is reviewed and approved by the director of planning and development with the determination that such expansion does not violate any of the conditions set forth in the original conditional use authorization, does not require further imposition of new conditions and does not adversely impact surrounding properties.

(9) *Limitation on applications for conditional use permit*. If the city council denies an application for a conditional use permit, an applicant for the conditional use permit may not file another conditional use permit application for the same subject property, absent a substantive change to the application that was denied, until at least six months after the city council's denial of the initial application.

(10) *Standards.* An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:

Sec. 36-368. - Publication and posting of notices.

(3) City council. Prior to holding a public hearing on any rezoning, conditional use permit, or request to amend the text of the zoning ordinance, the council shall give written notice thereof in the same manner as is required for notices of public hearings before the planning and zoning commission by subsection (2).

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

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

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

Passed at meeting:_____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXHIBIT A

RECORD OF PROCEEDINGS

Planning and Zoning Commission – March 23, 2023

Citywide
Applicant: City of Springfield

Mr. Sparlin stated that this a request to amend section 36-363 and 36-368 to allow for City Council to add, modify or remove conditions to a Conditional Use Permit. The Growth and Development Advisory Committee (GDAC), Downtown Springfield Association (DSA), Commercial Club, and all registered neighborhood associations were notified of these amendments and public hearing dates.

Mr. Jobe opened the public hearing.

Discussion with staff and commission members and 3 citizens speaking against certain changes.

Mr. Jobe closed the public hearing.

Discussion with staff and commission on possible postponement.

COMMISSION ACTION: #1
Mr. Colony motioned to **reopen the public hearing** for Conditional Use Permit Amendments (Citywide). Mr. Knuckles seconded the motion. Ayes: Colony, Knuckles, Pauly, Ridge, and Gunther. Nays: Jobe. Abstain: None. Absent: Broekhoven, Lebeck, and Scott.

Mr. Jobe opened the public hearing.

Discussion with staff and commission regarding postponement.

Mr. Jobe closed the public hearing.

COMMISSION ACTION: #2
Mr. Colony motioned to **postpone** Conditional Use Permit Amendments (Citywide) to April 20, 2023. Mr. Knuckles seconded the motion. Ayes: Colony, Knuckles, Pauly, Ridge, and Gunther. Nays: Jobe. Abstain: None. Absent: Broekhoven, Lebeck, and Scott.

Bob Hosmer, AICP
Planning Manager

Planning and Zoning Commission – April 20, 2023

Conditional Use Permit Amendments
Citywide
Applicant: City of Springfield

Mr. Sparlin stated this is a request to amend section 36-363 and 36-368 to allow City Council to add, modify or remove conditions to a Conditional Use Permit. Staff recommends approval.

Mr. Jobe asked if this would allow City Council to impose additional or remove existing requirements without having to remand back for consideration and if this is typical of other municipalities.

Ms. Istenes stated that it is not uncommon, and they looked at other municipalities.

Mr. Scott asked if this was to streamline the development process.

Ms. Sparlin noted that it came by the request of the Plans and Policy committee and that council initiated the amendment.

Mr. Jobe opened the public hearing.

Mr. Jobe closed the public hearing.

COMMISSION ACTION: #1
Mr. Knuckles motioned to **approve** Conditional Use Permit Amendments (Citywide). (No second). No vote.

Mr. Colony does not believe this is a good idea and noted that the Commission is here for a reason and already had situations where cases were approved that we have recommended denial.

Mr. Jobe appreciates the intent of the amendment to streamline the process but believes it does not require this extreme measure and takes away from the Commission's function and will be voting to deny it.

Ms. Burris stated that City Council cannot remove conditions, but can impose conditions, safeguards and restrictions.

Mr. Colony read the section where it said, "allow City Council to add, modify or remove conditions to a conditional use permit."

Ms. Burris went over page 7, section 6 where it says, "the Council may grant or deny a conditional use permit application," "Council shall consider any conditions, safeguards, or restrictions recommended by the Planning and Zoning Commission, but may independently impose any conditions, safeguards, and restrictions upon the premises benefited that it

believes necessary to comply with the standards." She noted that it does not say about "removing."

Mr. Scott asked about postponing until the language of the staff report correlates with the proposed text amendment.

Mr. Knuckles asked that his motion be considered, and the proposal come back in another form.

Mr. Jobe suggest a motion be made for postponement or a second motion (Mr. Knuckles motion).

More discussion on matching/reconciling the language (staff report/text amendment) with staff and commission.

COMMISSION ACTION: #2
Mr. Scott motioned to **postpone** Conditional Use Permit Amendments (Citywide) for clarity on the language (correlate with text amendment and staff report) to the next Planning and Zoning meeting on May 11, 2023. Mr. Colony seconded. Ayes: Jobe, Broekhoven, Colony, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: Lebeck.

Bob Hosmer, AICP
Planning Manager

Planning and Zoning Commission – November 9, 2023

Conditional Use Permit Amendments
Citywide
Applicant: City of Springfield

Mr. Hosmer stated that this is a request to amend section 36-363 and 36-368 to allow City Council to add, modify or remove conditions to a Conditional Use Permit.

Mr. Knuckles asked what had changed.

Mr. Hosmer noted that it didn't state clearly that City Council has the authority to change, alter, or recommend different conditions or impose new conditions, noting that the Planning and Zoning Commission can make a recommendation and this text amendment clarifies the change.

Mr. Lebeck talked about an analogy to zoning but said that City Council has the authority to change that zoning.

Mr. Hosmer said that they can reject or modify it as long as it is within the same district. The commission and staff discussed different scenarios/situations on what City Council can do (make significant changes/refer back to the Planning and Zoning Commission).

Mr. Colony believes the process should not be changed and not a good idea and voiced his concerns that members of the public may or may not have the opportunity to come back if City Council could recommend a change.

Mr. Hosmer read what the substantial conformity for a planned development is and noted that if it is significantly altered and not consistent with the plan then, it must come back to the Commission and City Council.

Mr. Scott noted that he is uncomfortable with diluting the purpose and power of the Commission with this change and suggested an amendment.

Mr. Colony asked what is being improved and what is wrong with the current way it is now.

Mr. Griesemer noted that if City Council would like to add conditions, safeguards and/or restrictions, then they can do that without sending it back and doesn't delay the process.

Mr. Colony again noted his objections and gave out examples.

Mr. Lebeck asked how many times a Conditional Use Permit has been sent back in the last four years and Mr. Hosmer noted that it has happened approximately one or twice and is very infrequent.

Further discussion with staff and commission on what a Conditional Use Permit is and examples given.

Ms. Broekhoven closed the public hearing.

COMMISSION ACTION:
Planning and Zoning Commission Board Member Lebeck moved to postpone Conditional Use Permit Amendments to December 2024 and Commissioner Colony seconded the motion and it was **postponed** with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Gunther, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Colony. Nays: Commissioner Knuckles. Absent: Britton Jobe. Abstain: None.

Bob Hosmer, AICP
Planning Manager

Planning and Zoning Commission – November 30, 2023

Conditional Use Permit Amendments
Citywide
Applicant: City of Springfield

Mr. Chris Hoeman presented information on Code Item Section 36-367, Subsection 6 and noted that it calls for the Planning and Zoning Commission to make their recommendations within 30 days of a public hearing and wanted to bring it back to the attention of the Commission and Mr. Sparlin is here for any questions.

Mr. Colony asked Mr. Sparlin to be reminded why this amendment would improve the process.

Mr. Sparlin went over a scenario of when a project goes forward to City Council and the neighborhood has asked for a condition where the developer and the Council are both in agreement, and it makes it more convenient, and everyone is in agreement, and this would make an improvement of the process.

Mr. Colony went through this senecio where it was denied, and it goes before City Councils and items are added in order to get things going forward but does not come back to Planning and Zoning or the neighborhood and believes that is why the current process for Conditional Use Permits (CUP) is the correct one.

Mr. Hosmer noted whenever something has been modified by City Council, then the pubic would have a chance to speak on it due to the 2-week layover where it would be vetted to meet standards.

Mr. Hoeman noted the City Council holds open the hearing process to the amended item.

Mr. Colony asked about the Planning and Zoning Commission schedule and believes there needs to be conditional approval/comments from the Commission if this could be held over for more of a review.

Mr. Pauly asked if this amendment passes then would City Council would have the ability to delete any type of changes that Planning and Zoning Commission has placed on it.

Mr. Hosmer noted that City Council is an elected board and has the ability to make amendments, but this does not happen very often, and they are usually in sync with the Planning and Zoning Commission.

Mr. Pauly reaffirmed that his was initiated by the Plans and Policies Committee and noted the dates of November 17, 2022, to August 9, 2023, was when the committee only met and why is this so important to bring forward.

Mr. Lebeck commented on the date of November 17, 2022, of the original vote and why the urgency now.

Mr. Hosmer stated that this amendment is to bring it more into line on how we do our rezoning cases and went over what City Council's authority is.

Mr. Lebeck is asking why the change now.

Mr. Hosmer gave an example of where City Council could make modifications or other safeguards to go further, protect a neighborhood, etc.

Mr. Lebeck noted that the Planning and Zoning Commission has architects, engineers and other people equipped to read site-plans and make good recommendations again asking why the change and asking about the 30 days for recommendations.

Mr. Colony asked why it took nine months for this to come back to the Planning and Zoning Commission.

Mr. Sparlin noted that there were internal staff discussions and correction of errors and went over the timeframe.

Mr. Colony quoted, "if it ain't broke, don't fix it" and does not believe the current process is broken and wants items to be reviewed again by the Commission if a major amendment is made to the project or not voted unanimously by City Council.

Staff noted that conditions could be added, i.e., it could be part of the criteria that doesn't increase the density or intensity, or the zoning district, or if it does, then remand it back.

Mr. Colony is asking for it to be tabled and the commission to give a proper work-through as a group.

Mr. Sparlin stated that on item number 6 in the staff analysis and recommendations the current language has been interpreted that City Council does not have the ability to impose conditions and the purpose of the conditional use permit is to impose conditions and believes the legal analysis of the sections needed to be more clear and staff believes that it accomplishes the goals of providing City Council to impose conditions as well as modify and remove.

Ms. Ridge stated that she presumes this would streamline the process but does not see it as an emergency basis.

Mr. Lebeck went over his concerns and asked how the Commission gets their recommendations and/or support to the City Council.

Staff and the Commission further discussed the best pathway to not recommend approval to the proposed changes and suggested recommendations with some context as to why they are not recommending the change.

Mr. Hoeman noted that any recommendations proposed to City Council can come by a motion, second, and a vote of the Commission and this may require multiple votes if there are multiple recommendations.

Mr. Colony asked for clarification on how long has conditional use permits have been allowed in Springfield and staff noted since 1995, and asked if City Council does not have the authority to impose additional conditions how are they approving them?

Staff went over the process of the approval or denial.

Ms. Ridge voiced her concern for citizens to have input and to be informed.

Mr. Knuckles went over the proposed changes, noting that he would like to keep it as it is currently and will vote against it and would like to add a recommendation to the motion.

Ms. Broekhoven made comments regarding the process and the timeframe and believes they are being forced to make recommendations within 30 days and believes it does not allow for substantially meaningful conditions to go back to council. Believes this does not give the commission as well as the public the opportunity to review.

Staff went over that council members thought they had the authority to impose conditions, and that they wanted to strengthen the language to be very clear.

Ms. Broekhoven noted that the commission postponed it at the November 9, 2023, and noted that it aligns with the schedule of the new code development updates and asked if there are any opportunities for the commission to do their due diligence without advancing the text amendment further and she also mentioned for

Mr. Hoeman noted that he is not aware of any provisions in the code that would allow to withhold their recommendations.

Mr. Pauly made a comment about losing public input with the change.

Commission members reinstated their opposition to the change, specially noting that the Commission's minimum standards cannot be remanded back or heard again by the Commission and this change will allow City Council to engage in entitlement negotiations with substantial changes and not what was advertised with the public.

Mr. Lebeck noted the commission's frustration and would like to make a motion if this commission recommends denial of the text amendment and that the denial includes the following language.

Ms. Broekhoven closed the public hearing.

Commission Action #1
Planning and Zoning Commission Board Member Lebeck moved to recommend with comments for Conditional Use Permit Text Amendments (see below) and Commissioner Colony seconded the motion.

1. The city has not provided us with a reason why this change to our land development code is necessary;
2. The city recently passed a new comprehensive plan that will cause an entirely new land development code to be presented to the planning commission and ultimately city council;
3. Allowing for changes and modifications without planning commission input takes away from the public another opportunity to comment and ultimately reduces transparency and development projects that affect our neighborhoods, citizens and city; and
4. This commission has placed on hold other text amendments out of respect for a new land development code coming forward.

It **Passed** with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Gunther, Commissioner Pauly, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles. Nays: None. Absent: Commissioner Scott, Britton Jobe. Abstain: None.

Commission Action #2
Planning and Zoning Commission Board Member Lebeck moved to approve Conditional Use Permit Amendments, Commissioner Colony seconded the motion. It Failed with the following vote: Ayes: None. Nays: Commissioner Ridge, Commissioner Broekhoven, Commissioner Gunther, Commissioner Pauly, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles. Absent: Dan Scott, Britton Jobe. Abstain: None. **Motion Failed**

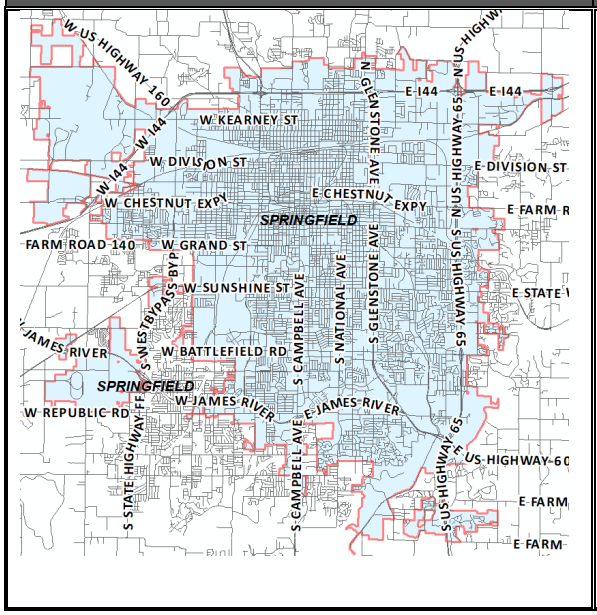
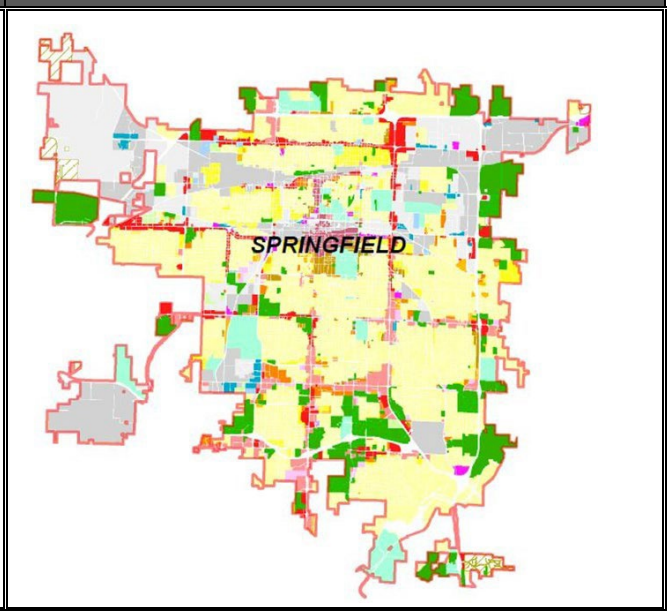
Bob Hosmer, AICP
Planning Manager

Exhibit B

DEVELOPMENT REVIEW STAFF REPORT

Case Number:	Conditional Use Permit Text Amendment
Location:	Citywide
Total Acres:	N/A
Applicant:	City of Springfield
Existing Land Use:	N/A
Neighborhood Meeting:	N/A
Planning and Zoning Commission:	November 30, 2023
City Council:	January 8, 2024
Public Notification:	Legal in Daily Events
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I 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).

Request to amend section 36-363 and 36-368 to allow City Council to add, modify or remove conditions to a Conditional Use Permit.

LOCATION MAP	ZONING MAP
	

DEVELOPMENT REVIEW STAFF REPORT

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments
(7) Findings by the commission.

(a) *Text amendments.* If the request is for an amendment of the text of this article, the recommendation of the planning and zoning commission may consider:

1. Whether the proposed text amendment is consistent with the Springfield Comprehensive Plan;
2. Whether the proposed text amendment is consistent with the intent and purpose of this article;
3. The areas of the city that are most likely to be affected by the proposed text amendment and the manner in which those areas will be affected;
4. Whether the proposed text amendment is necessitated by a change in conditions in the zoning districts affected and the nature of such changed conditions;
5. Information submitted at the public hearing.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

Increased use flexibility that promotes redevelopment and revitalization will need to be balanced by regulatory codes that promote and emphasize quality design and construction that is pedestrian focused and has a greater experience factor. The city's guiding principle of Quality of Place emphasizes the need for more public and private amenities and features. Future code changes will need to support the implementation of planning that promotes the development of places with a wide array of convenient services in proximity to amenity-rich, attractive, inviting, integrated corridors and districts that are within walking distance of neighborhood, trails, parks, and mixed-use centers with diverse housing options.

DEPARTMENT COMMENTS:

The proposed text amendment is supported by city departments.

CITY OF Springfield

DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. At their November 17, 2022 meeting, the Plans and Policies Committee voted to recommend that City Council initiate amendments related to Conditional Use Permits (CUP). City Council initiated these amendments to the Zoning Ordinance on March 6, 2023.

2. The Planning and Zoning Commission held at public hearing on March 23, 2023 on this text amendment. Commission postponed this case to seek more comment. No further comment has been received to date.

3. The Planning and Zoning Commission postponed this text amendment on April 20, 2023 to ensure that the proposed language would allow City Council to modify or remove conditions of a CUP. The proposed language has been edited to reflect the intent of this amendment.

4. At their November 9, 2023 meeting, the Planning and Zoning Commission postponed this text amendment to December 2024. After further review by staff, it was determined that Planning and Zoning Commission does not have the authority to postpone City Council initiated text amendments and is required to make its recommendation within 30 days of the public hearing according to Section 36-367(6) which reads:

   Recommendations. Within 30 days after the public hearing, except when the applicant requests the amendment be tabled or there is a tie vote by the commission, the planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification or the text of this article:
   (a) *Recommend against the proposed change in the zoning district classification or the text of this article.*
   (b) *Recommend a change in the zoning district classification or the text of this article.*
   (c) *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.*

5. Staff is proposing amendments to allow City Council to add, modify or remove conditions to a Conditional Use Permit. The discretionary conditional use permit procedure is designed to enable the Planning and Zoning Commission and the City Council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.

6. The current language has been interpreted that City Council does not have the ability to impose conditions. These amendments will ensure that the intent of the conditional use permit process is realized by City Council's ability to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon

the community or other properties in the vicinity of the proposed use or structure. The proposed amended is similar to language in section 36-367 (11) for zoning and text amendments; *36-367 (11) (a) Actions of City Council. When the planning and zoning commission has recommended a change in the zoning district classification or the text of this article together with recommendations for additional requirements pursuant to subsection 36-367(6)(c), the city council shall have discretion to either accept, reject, or make other or additional requirements.*

7. The City Council still has the ability to remand items back to Commission for further review if needed but this allows the Council the authority to impose additional conditions or other additional requirements. However, by City Code if changes are proposed to site plans there will be a two-week layover to allow applicants/designers to make any changes to site plans and to allow staff to review and to comment as to the proposed changes meeting or not meeting city standards.

8. The proposed text amendment is consistent with the Springfield Comprehensive Plan; The ability of City Council to respond to potentially adverse impacts of certain uses is consistent with the Comprehensive Plan's guiding principle of Quality of Place.

9. The proposed text amendment is consistent with the intent and purpose of this article; The proposed amendment meets the intent of the conditional use permit process as defined by the Zoning Ordinance.

10. The areas of the city that are most likely to be affected by the proposed text amendment and the manner in which those areas will be affected are citywide.

11. The proposed text amendment is not necessitated by a change in conditions in the zoning districts affected and the nature of such changed conditions. Rather, this amendment was necessitated by Council having the ability to add or amendment conditions to a CUP.

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

DEVELOPMENT REVIEW STAFF REPORT

STAFF RECOMMENDATION:

1. Staff recommends approval of the text amendment based on its compatibility with the *Comprehensive Plan*.

PLANNING AND ZONING OPTIONS:

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

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

CITY OF Springfield

DEVELOPMENT REVIEW STAFF REPORT

PROPOSED AMENDMENT:

Note: Language to be added is underlined, language to be removed is ~~stricken~~ and existing language is black.

Sec. 36-363. Conditional use permits.

(1) *Purpose.* The conditional use permit procedure is designed to provide the planning and zoning commission and the city council with ~~an~~ the opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. The purpose of the reviews is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located so as to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. The discretionary conditional use permit procedure is designed to enable ~~the planning and zoning commission and~~ the city council, after considering any recommendations of the planning and zoning commission, to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a conditional use permit when it is apparent that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.

(2) *Authorized conditional uses.* The ~~planning and zoning commission may recommend, and the~~ city council, after considering any recommendations of the planning and zoning commission, may authorize the establishment of those conditional uses that are expressly authorized to be permitted as a conditional use in a particular zoning district or in one or more zoning districts. No conditional use shall be authorized unless this article specifically authorizes such conditional use to be granted and unless such grant complies with all of the applicable provisions of this article.

(3) *Contents of application.* An application for a conditional use permit shall be filed with the department of planning and development. The application shall contain the following information as well as such additional information as may be prescribed by rule of the planning and zoning commission or the director of planning and development.

(a) The applicant's name and address and his legal interest in the subject property.

(b) The owner's name and address, including trustees, and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his behalf.

(c) The street address (or common description) and a copy of the deed of record or legal description of the property as prepared by and certified by a land surveyor or attorney.

(d) The zoning classification and present use of the subject property.

(e) A description of the proposed conditional use.

(f) The names and addresses of all owners of real property, as shown on the records of the county assessor, adjacent to, or within 185 feet of the subject property. The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield, or attorney at law.

(g) A site plan, pursuant to section 36-360, site plan review, of this article.

(h) A statement as to why the proposed conditional use will comply with the applicable standards in subsection (10) [of this section].

(i) A statement as to how the proposed conditional use is to be designed, arranged and operated in order to ensure that development and use of neighboring property in accordance with the applicable district regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected.

(j) An identification of any potentially adverse effects that may be associated with the proposed conditional use, and of the means proposed by the applicant to avoid, minimize or mitigate such effects.

(4) *Planning and zoning commission h~~H~~earing on conditional use permit application.* After the director of planning and development, or designee, has certified to the planning and zoning commission that a conditional use permit application is complete and does not contain or reveal violations of this article or other applicable regulations, the planning and zoning commission shall hold a public hearing on the application. Notice of this hearing shall be given in the manner and form required by section 36-368, publication and posting of notices, of this article. After this hearing, the planning and zoning commission may recommend that the city council grant or deny the conditional use permit application. When recommending that the council grant a conditional use permit application, the planning and zoning commission may recommend that the council impose conditions, safeguards, and restrictions upon the premises benefitted by the conditional use that the planning and zoning commission believes necessary to comply with the standards set out in subsection (10) of this section to avoid, minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article ~~A public hearing on an application for a conditional use permit shall be held and notice thereof given in the manner and form required by section 36-368, publication and posting of notices, of this article. No public hearing on a conditional use permit application shall be held unless the director of planning and development, or his duly designated delegate, has certified to the planning and zoning commission that the application is complete and does not contain or reveal violations of this article or other applicable regulations~~.

After its public hearing on the conditional use permit application is concluded, the planning and zoning commission shall transmit to the city council its recommendation containing specific findings of fact on the proposed conditional use without unreasonable delay and in all cases, within 30 days from the close of the hearing. The executive secretary of the planning and zoning commission shall maintain complete records of all actions of the commission and the city council with respect to applications for conditional use permits.

~~(5) *Conditions and restrictions.* In granting a conditional use, the planning and zoning commission may recommend, and the city council may impose such conditions, safeguards and restrictions upon the premises benefitted by the conditional use as may be necessary to comply with the standards set out in subsection (10) of this article [section] to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the ordinance approving the conditional use permit.~~

~~(6) *Decisions and records.* The planning and zoning commission shall, after the public hearing is concluded, transmit to the city council its recommendation containing specific findings of fact on the proposed conditional use without unreasonable delay and in all cases, within 30 days from the close of the hearing. The secretary of the planning and zoning commission shall maintain complete records of all actions of the commission and the city council with respect to applications for conditional use permits.~~

(5~~6~~) *City council hearing on conditional use permit application*. After receipt of the planning and zoning commission's recommendation and report on the conditional use permit application, the city council shall hold a public hearing on the application. Notice of this hearing shall be given in the manner and form required by section 36-368, publication and posting of notices, of this article. At this hearing, the city council shall consider the application, together with the planning and zoning commission's recommendations on the application. After this hearing, the council may grant or deny the conditional use permit application. When granting a conditional use permit, the city council shall consider any conditions, safeguards, or restrictions that the planning and zoning commission recommended for imposition on the premises benefitted by the conditional use. However, the city council may modify or delete any such conditions, safeguards, and restrictions recommended by the planning and zoning commission. The city council may also add any conditions, safeguards, and restrictions not recommended by the planning and zoning commission that the city council believes necessary for the conditional use to comply with the standards set out in subsection (10) of this section to avoid, minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. All conditions imposed by the City Council on the conditional use shall be set out in the ordinance approving the conditional use permit.

(6~~7~~) *Effect of issuance of a permit for a conditional use.* The issuance of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, structural alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals, which may be required by the codes and ordinances of the city, including, but not limited to, a building permit, a certificate of occupancy or subdivision approval.

(7~~8~~) *Period of validity.*

(a) No conditional use permit shall be valid for a period longer than 18 months from the date on which the city council grants the conditional use permit, unless within such 18 months period:

1. A building permit is obtained and the erection or alteration of a structure is started; or
2. An occupancy permit is obtained and the conditional use commenced.

The city council may grant one additional extension not exceeding 18 months, upon written application, without notice or hearing provided such grant is approved by city council prior to the expiration of the original 18-month period. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit. This additional extension shall be considered to have begun on the date of expiration of the original conditional use permit regardless of when this additional extension is granted by city council.

(b) When a conditional use is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be reestablished or resumed unless a new conditional use permit is granted by city council consistent with this section. The burden of proof shall be on the property owner to show that the conditional use has not been discontinued or abandoned for a period of 12 consecutive months or longer.

(~~8~~9) *Amendments.* Amendments or changes as to the use authorized by the conditional use process must follow the same process as the original conditional use application. Expansions or additions to structures associated with conditional uses may be approved by the director of planning and development without further conditional use authorization under the following circumstances:

(a) Said proposed expansion is limited to a structural addition to an existing or proposed building not to exceed ten percent of the gross building floor area within the existing structure to be expanded.

(b) Said proposed expansion is limited to one time subsequent to the original conditional use authorization.

(c) Said proposed expansion is reviewed and approved by the director of planning and development with the determination that such expansion does not violate any of the conditions set forth in the original conditional use authorization, does not require further imposition of new conditions and does not adversely impact surrounding properties.

(9) *Limitation on applications for conditional use permit*. If the city council denies an application for a conditional use permit, an applicant for the conditional use permit may not file another conditional use permit application for the same subject property, absent a substantive change to the application that was denied, until at least six months after the city council's denial of the initial application.

(10) *Standards.* An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:

Sec. 36-368. - Publication and posting of notices.

(3) City council. Prior to holding a public hearing on any rezoning, conditional use permit, or request to amend the text of the zoning ordinance, the council shall give written notice thereof in the same manner as is required for notices of public hearings before the planning and zoning commission by subsection (2).

EXPLANATION TO COUNCIL BILL 2024-008 (SIMPSON, HARDINGER, HORTON,

FILED: 01/11/2024

ORIGINATING DEPARTMENT: Finance

TITLE: A general ordinance amending the Fee Schedule for certain City services as provided in the Springfield City Code, by making such adjustments as provided in the attached "Evaluation of Charges for Municipal Services"; and adopting new fees for certain City Services.

PURPOSE: A general ordinance amending the Fee Schedule for certain City services as provided in the Springfield City Code, by making such adjustments as provided in the attached "Evaluation of Charges for Municipal Services;" and adopting new fees for certain City services. (The Finance and Administration Committee recommends approval.)

BACKGROUND INFORMATION: Annually, the Budget and Evaluation Division of the Finance Department reviews fees for municipal services. The fees are reviewed to determine if reasonable and appropriate levels of cost recovery are being maintained. Adjustments to municipal fees are recommended based on the policy statement included in the fee study and the recommendations of the Finance and Administration Committee from its November 30, 2023 meeting.

The schedules of fees and charges evaluated are attached to the proposed Council Bill as "Exhibit A." Per the policy, approximately one-third of the fees are fully evaluated on an annual rotating basis. The remaining two-thirds of the fees not included in "Exhibit A" will increase by the Consumer Price Index of 3.0% for Fiscal Year 2024-2025 to keep pace with inflation. 126 fees are included in the evaluation of charges and the cost recovery of the recommended fees is 100% percent (excluding Hazelwood Cemetery fees which require special consideration).

All fees are recommended by staff to be effective July 1, 2024.

REMARKS: The evaluation report, including the recommended fee adjustments, was presented and approved for Council consideration by the Finance and Administration Committee at its November 30, 2023 meeting.

Submitted By:

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

Attachments: 1. Annual Evaluation of Charges for Municipal Services_ORD

2. Eval of Charges for Muni Svcs - Based on 2023 ELECTRONIC

One-rdg. _____
P. Hrngs. _____
Pgs. 34
Filed 01-02-24

Sponsored by Simpson, Hardinger, Horton, and Jenson

First Reading _____ Second Reading _____

COUNCIL BILL 2024-008 GENERAL ORDINANCE_____

AN ORDINANCE

AMENDING the Fee Schedule for certain City services as provided in the Springfield City Code, by making such adjustments as provided in the attached "Evaluation of Charges for Municipal Services"; and adopting new fees for certain City Services.

_____

WHEREAS, City Code Section 2-425 authorizes the City to charge various fees in amounts contained on schedules adopted by this Ordinance and on file with the City Clerk; and

WHEREAS, an "Evaluation of Charges for Municipal Services" has been compiled by the City's Finance Department and said Evaluation contains the Fee Schedule for various City fees to be charged; and

WHEREAS, the "Evaluation of Charges for Municipal Services" was presented to the Finance and Administration Committee on November 30, 2023, and said Committee recommended that it be forwarded to City Council for adoption; and

WHEREAS, a public hearing was held on January 8, 2024, concerning the proposed changes to the "Evaluation of Charges for Municipal Services," including the contained Fee Schedule.

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

Section 1 –City Council hereby adopts the Fee Schedule contained within the "Evaluation of Charges for Municipal Services," which is attached hereto as "Exhibit A" and incorporated herein, a copy of which shall be maintained on file with the City Clerk pursuant to Sec. 2-425 of the City Code.

Section 2 – The fees and charges included in "Exhibit A" are hereby adopted and approved, and the schedule of fees and charges shown in "Exhibit A" for various departments of the City are hereby adopted and shall take effect on July 1, 2024.

Starting July 1, 2024, City officials are authorized to charge the fees shown on “Exhibit A.”

Section 3 – The two-thirds of City-imposed fees or charges not included in “Exhibit A” will increase by the All Urban Consumer Price Index of 3.0% on July 1, 2024.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

Exhibit A

CITY OF SPRINGFIELD, MISSOURI

EVALUATION OF CHARGES FOR MUNICIPAL SERVICES

BASED ON 2023 FISCAL YEAR ACTIVITY

CITY OF Springfield

DEPARTMENT OF FINANCE
BUDGET AND EVALUATION

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Fee Study Overview

Fees and charges for various City services are required to be established by Ordinance and on file with the City Clerk pursuant to Section 2-425 of the Springfield City Code. Fees established are evaluated using the criteria below:

1. This evaluation shall utilize information on Service Efforts and Accomplishments (SEAs) for each category of charges as compiled by the various departments.

2. The report will be reviewed by the City Council Finance and Administration Committee before submittal to the full Council. The final report shall be submitted to the full Council no later than February 15.

3. If approved by City Council, fee changes and new fees are effective on July 1, unless otherwise stated in the proposed ordinance.

4. The following general guidelines were used in the annual evaluation:

    - We will recover 100 percent of the related cost to provide the service except in the instance of Hazelwood Cemetery and some Springfield-Greene County Health Department fees.

    - The director of finance shall determine the annual percentage change in costs by using the All-Urban Consumer Price Index (CPI) to determine the increase, if any, from the previous 12 months. Per City Code Sec. 2-425(b). One-third of fees will be fully evaluated on an annual rotating basis. The remaining two-thirds of fees not evaluated, will increase by the CPI to keep pace with inflation.

    - Some Springfield-Greene County Health Department fees require special consideration. They are intentionally set below 100% cost recovery for public health and welfare purposes such as animal shelter turn-ins and impoundments, and vaccine administration for food handlers. These fees should not be so high it discourages use by the public.

    - One food permit fee is not at 100% cost recovery at the passage and implementation of the FY2023-24 fee rates. The Springfield-Greene County Health Department requests this fee continue to go up incrementally at 10% plus CPI per year until 100% cost recovery is achieved.

    - Any efficiency achieved in the process of providing a service, which reduces costs, should be accompanied by a corresponding reduction in the related charges for services.

    - Enterprise funds are determined differently than other fees in the fee study. They are established to recover operating costs as well as long-term capital investments. They are included in the fee study to ensure annual review.

    - Administrative boards, such as Parks, Art Museum and the Airport are allowed to review and set their own schedule of charges. Accordingly, charges set by these boards are not reviewed as part of this evaluation.

BASED ON 2023 ACTIVITY

The Budget and Evaluation Section of the Finance Department has completed the annual review of the City's charges for municipal services. These charges are reviewed to determine if reasonable and appropriate levels of cost recovery are being maintained. Recommended fee adjustments from the current evaluation based on FY2022-23 data are presented in this report.

OVERVIEW

The term "cost" in relationship to municipal services is the total of the allocable cost of direct and indirect labor, supplies, charges, and capital outlay used to provide each specific service. Allocations for both departmental and city-wide administrative overhead are also included in the cost determination.

Service Efforts and Accomplishments (SEAs) measures used to review the charges for services include, as appropriate, the following:

Measures of Efforts
- Non-financial resources
  - Number of labor hours, by position, expended to deliver services
- Financial resources
  - Fully burdened labor costs, by position, expended to deliver services
  - Expenditures used to deliver services, including both direct and indirect costs

Measures of Accomplishments
- Output measures
  - Number of service units produced
- Outcome measures
  - Average cost per service unit produced
  - Average revenue generated per service unit produced

Measures of Efficiency
- Percentage of cost recovery
- Percentage increase or decrease of average cost per service unit from prior period
- Percentage increase or decrease of cost recovery from prior period

FINDINGS AND RECOMMENDATIONS

This year's evaluation of charges for municipal services included a detailed analysis of the departmental and financial data that compose service costs. Recommendations for adjustments to the evaluated charges are based on the policy approved by City Council in September 2020. This is the fourth year of the three-year cycle, so we have come full circle and are back to the first fees utilizing this methodology.

The new methodology was recommended to reduce large fluctuations in fees and improve efficiency in the process. A three-year average is used for determining direct and indirect costs. Also, the average of a larger pool of positions within a job title (not just within the specific department) is utilized to provide a more consistent average and reduce fluctuations due to retirements and/or vacancies.

Only fees evaluated this year

A total of one hundred and twenty-six charges for municipal services were evaluated for a portion of Environmental Services fees and all Public Works fees. The recommended adjustments for these charges are summarized as follows:

- There is one existing fee and one new fee recommended to be added to the fee study.
- Of the one hundred and twenty-five established fees, twenty-five charges are recommended to be held constant.
- Four charges are recommended to be reduced.
- The remaining ninety-six are recommended to be increased.

The existing fee recommended is the permitting of micromobility rental devices (e-scooters) on city right of way. This fee was an estimate at the time the devices were approved by City Council. This process has been established and the resources needed for permitting the devices complete (page 15). The new fee is within Hazelwood Cemetery for the lot sale of single cremains unit (described below).

All fees changes are recommended by staff to be effective July 1st, 2024.

FINDINGS AND RECOMMENDATIONS (cont.)

If the recommended fee adjustments are approved the cost recovery would be set at 100% (excluding those intentionally set below cost). The recommended fee adjustments would generate an additional $1,793,114 in total revenue. Of this potential revenue increase, $16,312 would be in the general fund and $1,776,802 in non-general fund revenue. Total proposed revenue generated is $18,849,971; $155,190 of which is general fund revenue, $18,694,781 is derived from a variety of non-general funds.

Sanitary landfill fees represent $15,688,482, or 83.2% of projected revenue generated for this year's evaluation. The largest portion of additional revenue generated is the change in tipping fees would generate an estimated $1,194,056 for FY2024-25.

The fees and charges evaluated are grouped into several descriptive categories: Permit, Plan Review, and Inspection Fees; Charges for Services; Fee In Lieu Of; Ordinance Violations; and Enterprise Fund Fees. Each category of charges has distinct characteristics and considerations that impact cost recovery decisions. The following page of narrative presents a summary of the charges within each category and an explanation of charges of particular interest.

LAYOUT OF THIS DOCUMENT

This comprehensive report includes a large set of data. Reading the numeric information from left to right, this document includes the following information: The **current fee** is as of July 1st, 2023. The **city cost** is the result of this year's evaluation and the percent of **cost recovery** based on the current fee. Next is the **units of service** recorded for the most recent fiscal year end June 30, 2023. The **revenue generated** is the estimated revenue for fiscal year 2024 based on the current fee. The **proposed fee** is the City's recommendation to increase cost recovery beginning July 1, 2024. Next is the **change in fee** from the current fee and then the **new cost recovery** based on the recommendation. Finally, the **projected revenue** is based on the FY23 units of service and the **change in revenue** is the projected difference.

Only fees evaluated this year

Fee Type	Revenue Generated	Projected Revenue	Change in Revenue
General Fund			
Permits	$ -	$ -	$ -
Charges for Services	138,878	155,190	16,312
Fee in lieu of	-	-	-
Violations	-	-	-
Enterprise	-	-	-
General Fund Total	$ 138,878	$ 155,190	$ 16,312
Non-General Fund			
Permits	$ 726,883	$ 812,012	$ 85,129
Charges for Services	955,026	1,037,154	82,128
Fee in lieu of	309,257	649,673	340,416
Violations			
Enterprise	14,926,813	16,195,942	1,269,129
Non-General Fund Total	$ 16,917,979	$ 18,694,781	$ 1,776,802
Total Revenue	**$ 17,056,857**	**$ 18,849,971**	**$ 1,793,114**

PERMIT, PLAN REVIEW, AND INSPECTION FEES SUMMARY

The permit, plan and inspection fees are the traditional fees charged by the City for the various permits issued and plan reviews and inspections conducted in relation to land development, commercial and residential construction, and specific activities within the City. Individuals and entities desiring to participate in such development or activities are required by City ordinance to apply for various permits and submit to plan reviews and inspections to ensure the public's safety, health, and general welfare.

The City's goal in charging these fees is to recover incurred costs that can be clearly identified as being directly associated with specific consumers of the City's regulatory services. Examples of fees included in this category are final plat reviews, building permits, sign permits, driveway permits, taxicab inspections, and food permits.

There are thirteen fees in this section this year and no new fees proposed. The current average cost recovery for these charges is 92.0%. If the recommended fee adjustments are approved, the cost recovery would be 100%.

CHARGES FOR SERVICES SUMMARY

The City has established charges for some services that are not regulatory in nature, nor imposed by City ordinance. These services provide a tangible product to a relatively small number of individuals and entities, with some services offered as an alternative to what is available in the private sector. The consumers of these City services have the freedom to choose whether the products provided have enough value to justify paying the established charge.

Examples of charges within this category include; community room rentals, vaccination administration fees, traffic signs and Hazelwood Cemetery burial services. As with other fee charges, the City restricts its cost recovery for these services to the actual cost incurred, except for the services offered at Hazelwood Cemetery, which require sensitivity to local market conditions and concerns.

A total of eighty-three Public Works charges are identified in this category. Excluding the Hazelwood Cemetery charges, the current average cost recovery is 95%, if the recommended fee adjustments are approved, the average cost recovery would be 100%. There are two new fees in this section. One is the permitting of Micromobility rental devices on city right of way and the other one is in the Hazelwood section below.

Hazelwood Cemetery

In addition to the City's direct cost in providing services, other factors must be considered when establishing the fee levels for burial services and burial lot prices with Hazelwood Cemetery. The impact of the City's fee structure on the local competitive market must be minimized. For all grave open/close services and lot sales, Hazelwood is currently mid-market. Although the charge for lot sales provides more than 100% cost recovery, the rates include funding for the perpetual care and preservation of the cemetery as required by state statute and city code. There is one new lot sale fee proposed for single unit cremains (page 14). Currently it is being charged at 1/5 the adult grave rate.

FEE IN LIEU OF SUMMARY

This section is for fees in lieu of construction as allowed by current City Code. When sidewalk construction or detention for flood control is required, a request may be considered by the City to accept a fee in lieu of construction when certain conditions exist, or construction is not practical in the location. The decision to accept the fee in lieu of construction rests with the City Manager and/or the Director of Public Works. The fees collected are maintained in separate funds and are used for future construction needs within that area. There are no new fees proposed within this section.

ORDINANCE VIOLATIONS SUMMARY

The charges in the fourth category have been established by City ordinance, as allowed by State statutes, to recover the costs incurred by the City while enforcing certain ordinance violations. Violators may also be subject to punitive fines and court costs ordered by the Municipal Court. All these charges relate to DWI offenses, animal impoundment, or weed, health, and tree abatements.

A total of two charges are identified in this category. Due to the special nature of these charges, full cost recovery is allowed to be maintained each year regardless of the percentage adjustment required.

ENTERPRISE FUND FEES SUMMARY

A total of 20 fees are identified in this section and there are no new fees proposed. The fees in this section are determined differently than the other fees in this study. These fees are established to recover operating costs as well as recover long-term capital investment. These funds are not supported by general tax revenue. They are being included in this document to ensure annual review.

CITY OF
Springfield

Permit, Plan Review, and Inspection Fees

These fees are traditional fees charged by the City for the various permits issued and plan reviews and inspections conducted in relation to land development, commercial and residential construction, and specific activities within the City. Individuals and entities desiring to participate in such development or activities are required by City ordinance to apply for various permits and submit to plan reviews and inspections to ensure the public's safety, health, and general welfare.

PERMIT, PLAN REVIEW, AND INSPECTION FEES

			Current Status Based on FY 22-23 Data					Proposed Fees for FY 24-25					
Department	Fee Category	Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue	Comments
Public Works	Driveway and Right of Way Permit	Commercial Driveway Permit	$ 172	$ 253	68%	37	$ 6,364	$ 253	47.1%	100%	$ 9,361	$ 2,997	Permits must be obtained for all driveway construction and improvements. Improved refers to a driveway which connects to a street with concrete curbs and gutters. Unimproved refers to a driveway which connects to a street without concrete curbs and gutters.
		Residential Driveway Permit - Improved	$ 120	$ 122	98%	70	$ 8,400	$ 122	1.7%	100%	$ 8,540	$ 140	
		Residential Driveway Permit - Unimproved	$ 136	$ 149	91%	58	$ 7,888	$ 149	9.6%	100%	$ 8,642	$ 754	
		Sidewalk Permit	$ 155	$ 238	65%	44	$ 6,820	$ 238	53.5%	100%	$ 10,472	$ 3,652	Permits must be obtained for all sidewalk construction and improvements. If sidewalk construction is in conjunction with driveway construction, only the driveway permit fee will apply.
		Right of Way Excavation Permit	$ 53	$ 54	98%	1135	$ 60,155	$ 54	1.9%	100%	$ 61,290	$ 1,135	Permits must be obtained to perform excavations in the City's rights-of-way.
		Right of Way Excavation Acceptance	$ 180	$ 180	100%	1135	$ 204,300	$ 180	0.0%	100%	$ 204,300	$ -	An inspection fee is charged for all excavations in the public right-of-way. This inspection is to assure that the utility company and/or contractor meets the city specifications on any backfill or full repair work.
		Right of Way Plan/Infrastructure Review - Large	$ 783	$ 745	105%	21	$ 16,443	$ 745	-4.9%	100%	$ 15,645	$ (798)	Large projects require a more detailed plan review and coordination to administer plans and impacts to the City Infrastructure. This fee is a one time fee to cover average cost to review plans and inspect infrastructure repairs during construction for projects covering multiple blocks over multiple weeks and/or have major infrastructure impacts.

PERMIT, PLAN REVIEW, AND INSPECTION FEES

			Current Status Based on FY 22-23 Data					Proposed Fees for FY 24-25					
Department	Fee Category	Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue	Comments
Public Works	Driveway and Right of Way Permit	Right of Way Excavations Requiring Traffic Control - Large Project	$ 276	$ 289	96%	21	$ 5,796	$ 289	4.7%	100%	$ 6,069	$ 273	When an excavation permit requires work in the street or right of way, traffic control is required. Permit is valid for seven calendar days form the first day traffic control is installed and shall remain active until contractor has no longer blocked any access to lanes or sidewalks. Permit is for quality assurance checks of traffic control operations for a projects that will occupy more than one block, have excavations at mulitple locations in the same block, or for work on a street classifed as a collector or arterial route. An additional fee will be charged for each seven days or portion thereof.
Public Works / Environmental Services	Public Improvement Fee	Public Improvement Fee	5.00%	5.40%	93%	32	$ 380,934	5.40%	8.0%	100%	$ 457,121	$ 76,187	Projects completed by private developers for streets, storm sewer and sanitary sewer public improvement are assessed an engineering and inspection fee. The fee is 5% of the project cost. For FY20, there were $2.9 Million in improvement projects. A "consent to annex" will be required as a condition to extend City sewer to any subdivision outside the city limits of Springfield. The consent to annex shall require an acceptable title search by an acceptable title company. The developer is responsible for providing the title search.
		Technology Fee	0.34%	0.35%	97%	32	$ 25,904	0.35%	3.0%	100%	$ 26,666	$ 762	The technology fee for public improvements, based on a percentage of the project cost, is an additional .34%. This percentage will capture the portion of the license and maintenance of the electronic submission and review system for this division.
Public Works	Encroachment Permit	Encroachment Permit	$ 266	$ 269	99%	9	$ 2,394	$ 269	1.1%	100%	$ 2,421	$ 27	A permit is required for an encroachment on public right-of-way. Authority is granted to the Public Works Director to issue a license agreement for new awnings, canopies, planters, street furniture or sidewalk cafes.

PERMIT, PLAN REVIEW, AND INSPECTION FEES

			Current Status Based on FY 22-23 Data					Proposed Fees for FY 24-25					
Department	**Fee Category**	**Service Description**	**Current Fee**	**City Cost**	**Cost Recovery**	**Units of Service**	**Revenue Generated**	**Proposed Fee**	**% Change in Fee**	**New Cost Recovery**	**Projected Revenue**	**Change in Revenue**	**Comments**
Public Works	Encroachment Permit	Encroachment Permit-Council Action	$ 391	$ 440	89%	0	$ -	$ 440	12.5%	100%	$ -	$ -	Encroachments not defined in Section 98-323 of City Code require City Council action. The cost of the permit includes the staff time indicated above as well as Assistant City Attorney's time for council bill preparation.
Public Works	Taxicab and Wrecker Inspection	Taxicab and Wrecker Inspection	$ 33	$ 33	100%	45	$ 1,485	$ 33	0.0%	100%	$ 1,485	$ -	Taxicabs and wreckers are inspected annually for compliance with safety and equipment requirements.

Charges for Services

This category of charges is for services that are not regulatory in nature, nor imposed by City ordinance. These services provide a tangible product to a relatively small number of individuals and entities, with some services offered as an alternative to what is available in the private sector. The consumers of these City services have the freedom to choose whether or not the products provided have enough value to justify paying the established charges.

CHARGES FOR SERVICES

			Current Status Based on FY 22-23 Data					Proposed Fees for FY 24-25					
Department	Fee Category	Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue	Comments
Public Works	Escrow Fee	Escrow Fee	$ 547	$ 717	76%	15	$ 8,205	$ 717	31.1%	100%	$ 10,755	$ 2,550	After approving request for securing public improvements the escrow fee must be paid in order to continue with processing and review of security agreements. Fee covers cost for review, processing, and coordination of securities. Fee is for review and does not constitute reimbursement if escrow is denied.
Public Works	Hazelwood Cemetery (Burial Services)	Open/Close - Adult Grave	$ 891	$ 981	91%	73	$ 65,043	$ 950	6.6%	97%	$ 69,350	$ 4,307	The charge for preparing the grave site for an adult, infant, or cremation remains burial. The Niche fee is for niche placement, either in-ground or above ground.
		Open/Close - Infant Grave	$ 325	$ 549	59%	1	$ 325	$ 325	0.0%	59%	$ 325	$ -	
		Open/Close - Cremains (Unit)	$ 428	$ 431	99%	34	$ 14,552	$ 450	5.1%	104%	$ 15,300	$ 748	
		Open/Close - Cremains (Niche)	$ 665	$ 1,119	59%	8	$ 5,320	$ 700	5.3%	63%	$ 5,600	$ 280	
		Additional Fee for Non-Office Hour Services	$ 393	$ 675	58%	7	$ 2,751	$ 400	1.8%	59%	$ 2,800	$ 49	The additional charge for Saturday, Sunday, holiday or evening/late burial (in addition to the Open/Close charge) for the cost of overtime for employees performing the service. This is the minimum fee based on four hours; fee may be prorated at equivalent hourly rate for time over four hours.
		Disinterment - Adult Grave	$ 1,031	$ 1,263	82%	0	$ -	$ 1,100	6.7%	87%	$ -	$ -	The charge for removing the remains from a graveside at Hazelwood. A licensed funeral director is required by law to be present (Cost of funeral director is not included). Reinterment will incur additional burial fees if moved to another location at Hazelwood.
		Disinterment - Infant Grave	$ 558	$ 793	70%	0	$ -	$ 550	-1.4%	69%	$ -	$ -	
		Disinterment - Cremains	$ 411	$ 368	112%	0	$ -	$ 400	-2.7%	109%	$ -	$ -	
Public Works	Hazelwood Cemetery (Grave/Lot Sales)	Lot Sales - Adult	$ 839	$ 210	400%	47	$ 39,433	$ 975	16.2%	464%	$ 45,825	$ 6,392	The charge for a lot sale includes funding for the perpetual care of the cemetery and is set at a rate to not undercut the prices charged by the other local cemeteries. The charge for an infant lot is based proportionally to the size of an adult grave. Cremains unit is 1/5 of adult single grave space. Mausoleum lots are also available.
		Lot Sales - Infant	$ 283	$ 210	135%	0	$ -	$ 325	14.8%	155%	$ -	$ -	
		NEW - Cremains Unit Single	$ -	$ 210	0%	8	$ -	$ 195	100.0%	93%	$ 1,560	$ 1,560	
		Lot Sales - Historical Graves	$ 1,083	$ 210	516%	3	$ 3,249	$ 1,225	13.1%	583%	$ 3,675	$ 426	The lot sale and the charge for researching and verifying gravesites that have been "historically vacant" (never sold/used) throughout the cemetery.

CHARGES FOR SERVICES

			Current Status Based on FY 22-23 Data					Proposed Fees for FY 24-25					
Department	Fee Category	Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue	Comments
Public Works	Hazelwood Cemetery (Grave/Lot Sales)	Lot Sales - Reinstated Graves	$ 1,307	$ 569	230%	0	$ -	$ 1,475	12.9%	259%	$ -	$ -	State statute allows the City to declare "purchased/not used" graves to be abandoned if unused for more than 50 years. The charge recovers the cost of filing the public notices and recording fee, conducting field study of the lot and research by the City Attorney's Office.
Public Works	Micromobility Rental Device Fee	Permitting Micromobility rental devices on City Rights of Way (per every 20 devices)	$ 500	$ 645	78%	25	$ 12,500	$ 645	29.0%	100%	$ 16,125	$ 3,625	The city shall collect a fee associated with permitting Micromobility rental devices within the City. Fee covers cost for e-scooter inspections, field reviews of docking stations/parking, customer concerns, processing, and contract renewal. Bike dock and storage areas fees are $250 for each new area and is not included in this fee.
Public Works	Right-Of-Way Infrastructure Repair Fee	Stormwater Structure Repair per hour	$ 324	$ 367	88%	0	$ -	$ 367	13.3%	100%	$ -	$ -	Stormwater structure repair is for box culverts and pipes damaged by sanitary sewer, gas, water, and communication companies while placing or repairing their facilities. This fee is an hourly rate since the extent of the repair can vary significantly by project. This fee includes the crew and equipment required; the cost of concrete and pipe is not includes and will be charged at the current City contract price.
Public Works	Street Cleaning Fees	Street Sweeping Service Mobilization Fee	$ 216	$ 278	78%	12	$ 2,592	$ 278	28.7%	100%	$ 3,336	$ 744	Mobilization fees are the minimum fee required to prepare the equipment and to provide the operator and equipment on site.
		Street Flushing Service Mobilization Fee	$ 148	$ 148	100%	0	$ -	$ 148	0.0%	100%	$ -	$ -	
		Street Sweeping/Square Foot	$ 0.0048	$ 0.0052	92%	1,987,759	$ 9,541	$ 0.0052	8.3%	100%	$ 10,336	$ 795	The service the equipment operator provides includes, labor and equipment per unit of measure cleaned.
		Street Flushing/Square Foot	$ 0.0033	$ 0.0033	100%	0	$ -	$ 0.0033	0.0%	100%	$ -	$ -	
Public Works	Street Repair Mobilization Fees	Concrete/Excavation Crew Mobilization Fee	$ 601	$ 629	96%	292	$ 175,492	$ 629	4.7%	100%	$ 183,668	$ 8,176	Mobilization fees are the minimum fee required to provide a crew and equipment on site, prepare the site, setup, and tear down.
		Sidewalk Crew Mobilization Fee	$ 279	$ 319	87%	145	$ 40,455	$ 319	14.3%	100%	$ 46,255	$ 5,800	
		Saw Cut Crew Mobilization Fee	$ 113	$ 113	100%	405	$ 45,765	$ 113	0.0%	100%	$ 45,765	$ -	

CHARGES FOR SERVICES

			Current Status Based on FY 22-23 Data					Proposed Fees for FY 24-25					
Department	**Fee Category**	**Service Description**	**Current Fee**	**City Cost**	**Cost Recovery**	**Units of Service**	**Revenue Generated**	**Proposed Fee**	**% Change in Fee**	**New Cost Recovery**	**Projected Revenue**	**Change in Revenue**	**Comments**
Public Works	Street Repair Mobilization Fees	Asphalt Crew Mobilization Fee	$ 280	$ 311	90%	52	$ 14,560	$ 311	11.1%	100%	$ 16,172	$ 1,612	Mobilization fees are the minimum fee required to provide a crew and equipment on site, prepare the site, setup, and tear down.
		Temporary Asphalt Crew Mobilization Fee	$ 237	$ 262	90%	460	$ 109,020	$ 262	10.5%	100%	$ 120,520	$ 11,500	
		Finish Grading Crew Mobilization Fee	$ 163	$ 163	100%	309	$ 50,367	$ 163	0.0%	100%	$ 50,367	$ -	
		Daily Remobilization Fee	$ 255	$ 277	92%	0	$ -	$ 277	8.6%	100%	$ -	$ -	
Public Works	Street Repair Services Fees	Water Main Break	$ 335	$ 336	100%	0	$ -	$ 336	0.3%	100%	$ -	$ -	The service the crew provides includes labor, equipment and materials per unit of measure.
		Concrete Pavement per SF	$ 4.88	$ 5.42	90%	50913	$ 248,455	$ 5.42	11.1%	100%	$ 275,948	$ 27,493	
		Sidewalk per SF	$ 3.98	$ 3.98	100%	12228	$ 48,667	$ 3.98	0.0%	100%	$ 48,667	$ -	
		Asphalt cap, 2" per SF	$ 2.59	$ 2.89	90%	7287	$ 18,873	$ 2.89	11.6%	100%	$ 21,059	$ 2,186	
		Asphalt cap, temporary per SF	$ 2.87	$ 3.35	86%	35339	$ 101,423	$ 3.35	16.7%	100%	$ 118,386	$ 16,963	
		Asphalt Stamping per SF	$ 7.99	$ 8.18	98%	0	$ -	$ 8.18	2.4%	100%	$ -	$ -	
		Finish Grading per SF	$ 1.15	$ 1.15	100%	8528	$ 9,807	$ 1.15	0.0%	100%	$ 9,807	$ -	
		Concrete Curb per SF	$ 18.41	$ 18.75	98%	540	$ 9,941	$ 18.75	1.8%	100%	$ 10,125	$ 184	
		Concrete Curb and Gutter per SF	$ 31.12	$ 31.70	98%	360	$ 11,203	$ 31.70	1.9%	100%	$ 11,412	$ 209	
		Saw Cut per SF	$ 1.08	$ 1.08	100%	14630	$ 15,800	$ 1.08	0.0%	100%	$ 15,800	$ -	
		Bricks / ea.	$ 3.45	$ 3.66	94%	130	$ 449	$ 3.66	6.1%	100%	$ 476	$ 27	
		ADA Ramp / ea.	$ 1,434	$ 1,568	91%	21	$ 30,114	$ 1,568	9.3%	100%	$ 32,928	$ 2,814	

CHARGES FOR SERVICES

			Current Status Based on FY 22-23 Data					Proposed Fees for FY 24-25					
Department	**Fee Category**	**Service Description**	**Current Fee**	**City Cost**	**Cost Recovery**	**Units of Service**	**Revenue Generated**	**Proposed Fee**	**% Change in Fee**	**New Cost Recovery**	**Projected Revenue**	**Change in Revenue**	**Comments**
Public Works	Regulatory Sign Fees	**STOP 30"**	$ 125	$ 132	95%	0	$ -	$ 132	5.6%	100%	$ -	$ -	Charges to developers for the City to install the initial set of traffic signs in a new subdivision. Developers have the option to have the signs fabricated by a private contractor and install the signs themselves with no charge paid to the City; however the signs must meet the City sign standards for material and installation hardware. The charges are also used for traffic signs damaged in auto accidents. Signs in **Bold type** are typical signs that would be installed in new subdivision.
		STOP 36"	$ 136	$ 143	95%	0	$ -	$ 143	5.3%	100%	$ -	$ -	
		30" STOP with All Way Plaque	$ 136	$ 140	97%	0	$ -	$ 140	2.8%	100%	$ -	$ -	
		36" STOP with All Way Plaque	$ 141	$ 147	96%	0	$ -	$ 147	4.0%	100%	$ -	$ -	
		30" STOP with double street names (6 3/4")	$ 206	$ 206	100%	0	$ -	$ 206	0.0%	100%	$ -	$ -	
		30" STOP with double street names (9")	$ 238	$ 238	100%	0	$ -	$ 238	0.0%	100%	$ -	$ -	
		30" STOP with double street names and cross traffic does not stop (6 3/4")	$ 228	$ 228	100%	0	$ -	$ 228	0.0%	100%	$ -	$ -	
		30" STOP with double street names and cross traffic does not stop (9")	$ 262	$ 262	100%	0	$ -	$ 262	0.0%	100%	$ -	$ -	
		30" STOP with double street names and Street Ends or No Outlet (6 3/4")	$ 238	$ 238	100%	0	$ -	$ 238	0.0%	100%	$ -	$ -	
		30" STOP with double street names and Street Ends or No Outlet (9")	$ 283	$ 283	100%	0	$ -	$ 283	0.0%	100%	$ -	$ -	
		30" STOP with double one way arrow	$ 157	$ 160	98%	0	$ -	$ 160	1.6%	100%	$ -	$ -	
		30" STOP with double one way arrows (back to back)	$ 161	$ 164	98%	0	$ -	$ 164	2.0%	100%	$ -	$ -	
		30" STOP with double one way arrows and cross traffic does not stop	$ 185	$ 185	100%	0	$ -	$ 185	0.0%	100%	$ -	$ -	
		YIELD 36"	$ 123	$ 129	95%	0	$ -	$ 129	5.2%	100%	$ -	$ -	
		Right Lane Must Turn Right 30 X 30	$ 127	$ 133	95%	0	$ -	$ 133	4.9%	100%	$ -	$ -	

CHARGES FOR SERVICES

			Current Status Based on FY 22-23 Data					Proposed Fees for FY 24-25					
Department	**Fee Category**	**Service Description**	**Current Fee**	**City Cost**	**Cost Recovery**	**Units of Service**	**Revenue Generated**	**Proposed Fee**	**% Change in Fee**	**New Cost Recovery**	**Projected Revenue**	**Change in Revenue**	**Comments**
Public Works	Regulatory Sign Fees	Center Lane Sign 24 X 30	$ 123	$ 130	94%	0	$ -	$ 130	6.0%	100%	$ -	$ -	Charges to developers for the City to install the initial set of traffic signs in a new subdivision. Developers have the option to have the signs fabricated by a private contractor and install the signs themselves with no charge paid to the City; however the signs must meet the City sign standards for material and installation hardware. The charges are also used for traffic signs damaged in auto accidents. Signs in **Bold type** are typical signs that would be installed in new subdivision.
		One Way 12 X 36	$ 113	$ 119	95%	0	$ -	$ 119	5.6%	100%	$ -	$ -	
		One Way (double sided) 12 X 36	$ 122	$ 127	96%	0	$ -	$ 127	4.3%	100%	$ -	$ -	
		DO NOT ENTER 30 X 30	$ 127	$ 133	96%	0	$ -	$ 133	4.6%	100%	$ -	$ -	
		Speed Limit 20/25/30/35/40 24 X 30	$ 121	$ 128	95%	0	$ -	$ 128	5.7%	100%	$ -	$ -	
		Speed Limit 25 with yellow border 32 X 42	$ 140	$ 147	95%	0	$ -	$ 147	4.8%	100%	$ -	$ -	
		No Left/Right/U-turn Turn (symbol) 24 X 24	$ 117	$ 124	95%	0	$ -	$ 124	5.8%	100%	$ -	$ -	
		Keep Right (symbol) with Stripe Board (8 x 18) 18 X 24	$ 127	$ 132	96%	0	$ -	$ 132	4.2%	100%	$ -	$ -	
		Keep Right (symbol) with Stripe Board (12 x 36) 24 X 30	$ 141	$ 147	96%	0	$ -	$ 147	4.3%	100%	$ -	$ -	
		2hr Parking, Res Permit Parking 12 X 18	$ 108	$ 113	95%	0	$ -	$ 113	4.9%	100%	$ -	$ -	
		No Parking, Handicap Parking 12 X 18	$ 107	$ 113	94%	0	$ -	$ 113	5.9%	100%	$ -	$ -	
		No Parking; No Parking, Stopping, Standing; Loading Zone 18 X 24	$ 118	$ 123	96%	0	$ -	$ 123	4.1%	100%	$ -	$ -	
		Replace Pole Only	$ 110	$ 114	97%	0	$ -	$ 114	3.2%	100%	$ -	$ -	
		Reset Existing Sign	$ 91	$ 91	100%	0	$ -	$ 91	0.0%	100%	$ -	$ -	
		End of Roadway Diamonds 18 X 18	$ 110	$ 116	95%	0	$ -	$ 116	5.3%	100%	$ -	$ -	

CHARGES FOR SERVICES

			Current Status Based on FY 22-23 Data					Proposed Fees for FY 24-25					
Department	**Fee Category**	**Service Description**	**Current Fee**	**City Cost**	**Cost Recovery**	**Units of Service**	**Revenue Generated**	**Proposed Fee**	**% Change in Fee**	**New Cost Recovery**	**Projected Revenue**	**Change in Revenue**	**Comments**
Public Works	Warning Sign Fees	**Stripe Board 12 X 36**	$ 113	$ 119	95%	0	$ -	$ 119	5.6%	100%	$ -	$ -	Charges to developers for the City to install the initial set of traffic signs in a new subdivision. Developers have the option to have the signs fabricated by a private contractor and install the signs themselves with no charge paid to the City; however the signs must meet the City sign standards for material and installation hardware. The charges are also used for traffic signs damaged in auto accidents. Signs in **Bold type** are typical signs that would be installed in new subdivision.
		Curve Warning / Stop Ahead/ Signal Ahead/ Intersection Ahead 30 X 30	$ 127	$ 133	95%	0	$ -	$ 133	5.0%	100%	$ -	$ -	
		Curve Warning with Advisory Speed Plaque	$ 143	$ 148	96%	0	$ -	$ 148	3.7%	100%	$ -	$ -	
		Direction Arrow (L/R/D) with 2 Stripe Boards	$ 168	$ 172	97%	0	$ -	$ 172	2.6%	100%	$ -	$ -	
		Chevron 18 X 24	$ 113	$ 119	95%	0	$ -	$ 119	5.6%	100%	$ -	$ -	
		Splitter Island Sign; No Trespassing 24 X 24	$ 119	$ 125	95%	0	$ -	$ 125	5.0%	100%	$ -	$ -	
		Advance Railroad Warning 30"	$ 123	$ 131	94%	0	$ -	$ 131	6.5%	100%	$ -	$ -	
		Cross Traffic Does Not Stop 18 X 30	$ 117	$ 123	95%	0	$ -	$ 123	4.8%	100%	$ -	$ -	
Public Works	Pedestrian Sign Fees	**Pedestrian / School Crosswalk with diagonal arrow, AHEAD, or SCHOOL plaque**	$ 160	$ 162	99%	0	$ -	$ 162	1.3%	100%	$ -	$ -	
Public Works	Pedestrian Sign Fees	Pedestrian / School Crosswalk with diagonal arrow or AHEAD plaque and Sign Post Panel	$ 178	$ 183	97%	0	$ -	$ 183	2.8%	100%	$ -	$ -	
	Street Name Sign Fees	Double Sided Blade 6 3/4 X 30	$ 117	$ 117	100%	0	$ -	$ 117	0.0%	100%	$ -	$ -	
		Double Sided Blade/No Outlet/Street Ends 6 3/4 X 36	$ 120	$ 120	100%	0	$ -	$ 120	0.0%	100%	$ -	$ -	
		Double Sided Blade 6 3/4 X 42	$ 124	$ 124	100%	0	$ -	$ 124	0.0%	100%	$ -	$ -	
	Street Name Sign Fees	Double Sided Blade/No Outlet/Street Ends 9 X 36	$ 124	$ 124	100%	0	$ -	$ 124	0.0%	100%	$ -	$ -	
		Double Sided Blade 9 X 42	$ 130	$ 130	100%	0	$ -	$ 130	0.0%	100%	$ -	$ -	

CITY OF
Springfield

Fee in Lieu of

This new section is for fees in lieu of construction allowed by City Code. When sidewalk construction or detention for flood control is required, a request may be considered by the City to accept a fee in lieu of construction when certain conditions exist, or construction is not practical in the location. The decision to accept the fee in lieu of construction rests with the City Manager and/or the Director of Public Works. The fees collected are maintained in separate funds and are used for future construction needs within that area.

FEE IN LIEU OF

			Current Status Based on FY 22-23 Data					Proposed Fees for FY 24-25					
Department	Fee Category	Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue	Comments
Public Works	Fee in Lieu of Sidewalk Construction	Per linear foot of Sidewalk	$ 34.32	$ 84.32	41%	6,762	$ 232,072	$ 84.32	145.7%	100%	$ 570,172	$ 338,100	Per City Code, for any new development, redevelopment, or subdivision activity, sidewalk must be constructed if not already in place along applicable public street frontages. As outlined in City Code, if certain conditions or hardships exist that would not make construction of sidewalk practical, the Administrative Review Committee (ARC) may consider a request from the developer to pay a fee in lieu of constructing the sidewalk. If approved by ARC, the developer may pay a fee in lieu of the appropriate sidewalk footage to allow issuance of the building permit or final plat approval without constructing sidewalk. At a time to be determined by the City Manager and/or Director of Public Works, collected fees in lieu of shall be used to construct sidewalk in the same City Council Zone as the property from where the fee was collected. The total amount to be paid by the developer is determined at the time of issuance of the building permit by multiplying the approved linear footage approved by ARC by the current approved fee in lieu of.
Public Works	Fee in Lieu of Stormwater Detention - One or Two Family Residential	Volume of Detention 0-24,000 c.f.	$ 1.09	$ 1.12	97%	10,202	$ 11,120	$ 1.12	3.0%	100%	$ 11,454	$ 334	Whenever detention for flood control is required pursuant to the flood control and water quality protection manual, the applicant may propose to pay a fee in lieu of constructing partial or full detention. The criteria and conditions under which a project is eligible for a fee-in-lieu payment are established in the flood control and water quality protection manual. The decision to accept the fee in lieu of detention shall rest with the director of public works. The fees shall be used by the city to construct, improve and maintain regional detention and conveyance systems within the drainage basin where the detention would have been constructed. The two major drainage basins in the city are the Sac River and James River basins.
		Volume of Detention 24,001-100,000 c.f.	$ 0.55	$ 0.57	97%	0	$ -	$ 0.57	3.0%	100%	$ -	$ -	
		Volume of Detention > 100,001 c.f.	$ 0.55	$ 0.57	97%	0	$ -	$ 0.57	3.0%	100%	$ -	$ -	
	Fee in Lieu of Stormwater Detention - Other Land Uses	Volume of Detention 0-24,000 c.f.	$ 2.73	$ 2.81	97%	24,200	$ 66,066	$ 2.81	3.0%	100%	$ 68,048	$ 1,982	
		Volume of Detention 24,001-100,000 c.f.	$ 1.64	$ 1.69	97%		$ -	$ 1.69	3.0%	100%	$ -	$ -	
		Volume of Detention > 100,001 c.f.	$ 1.09	$ 1.12	97%	0	$ -	$ 1.12	3.0%	100%	$ -	$ -	

Ordinance Violation Charges

The charges in this category have been established by City ordinance, as allowed by State statutes, to recover the costs incurred by the City while enforcing certain ordinance violations. Violators may also be subject to punitive fines and court costs ordered by the Municipal Court. Due to the special nature of these charges, full cost recovery is maintained each year regardless of the percentage adjustment required. All of these charges relate to DWI offenses, probation, animal impoundment, or weed, health and tree abatements.

ORDINANCE VIOLATION CHARGES

			Current Status Based on FY 22-23 Data					Proposed Fees for FY 24-25					
Department	**Fee Category**	**Service Description**	**Current Fee**	**City Cost**	**Cost Recovery**	**Units of Service**	**Revenue Generated**	**Proposed Fee**	**% Change in Fee**	**New Cost Recovery**	**Projected Revenue**	**Change in Revenue**	**Comments**
Public Works	Tree Abatement	Investigation and Processing Charge	$ 263	$ 263	100%	0	$ -	$ 263	0.0%	100%	$ -	$ -	City Code provides for the recovery of costs incurred by the City to abate property of trees creating hazards to public ways when the property owner fails to respond to proper notice of the violation.
		Abatement Charge (Per Hour)	$ 399	$ 526	76%	0	$ -	$ 526	31.8%	100%	$ -	$ -	
		Each Hour or portion thereof by City Crew or Contractor Charge (City Contract)	Contract	Contract	100%	0	N/A	Contract	Contract	100%	N/A	N/A	Investigation and Processing Charge recovers the administrative costs to investigate and process a Tree Abatement. Abatement Charge establishes the charge for each hour or portion thereof for the City to physically abate the conditions contained in the Tree Abatement notice, including drive time, setup time, and cleanup time. The property owner is also responsible for the charge of landfill fees for eliminating the debris. Alternatively, the City may choose to abate the nuisance through an outside contract. The contract costs to the City will be charged to the property owner.

Enterprise Fund Fees

Fees in this section are determined differently than the other fees in this study. These fees are established to recover operating costs as well as recover long-term capital investment. They are being included in this document to ensure annual review. These charges relate to Sanitary Landfill and Clean Water Services.

ENTERPRISE FUND FEES

			Current Status Based on FY 22-23 Data			Proposed Fees for FY 24-25				
Department	**Fee Category**	**Service Description**	**Current Fee**	**Units of Service**	**Revenue Generated**	**Proposed Fee**	**% Change in Fee**	**Projected Revenue**	**Change in Revenue**	**Comments**
Environmental Services	Clean Water Services	Fats, Oils, and Grease (FOG)	$ 178	1,086	$ 193,308	$ 196	9.9%	$ 212,443	$ 19,135	As a result of the new EPA/MDNR mandates, all Food Service Establishments (FSEs) must be permitted and inspected regularly to ensure proper FOG removal devices are in place and maintained properly.
		Industrial Pretreatment Fees (IPP): Categorical Industrial User (CIU)	$ 3,439	25	$ 85,975	$ 3,779	9.9%	$ 94,475	$ 8,500	Any industrial user subject to a regulation containing pollutant discharge limits promulgated by the USEPA in accordance with section 307(b) and © of the act, which applies to industrial users. Includes prohibitive discharge limits established pursuant to section 403.5 of the act, categorical pretreatment standards, restricted discharges and local limits.
		Categorical Industrial User - No Discharge (CIU-ND)	$ 1,054	4	$ 4,216	$ 1,158	9.9%	$ 4,632	$ 416	Any industrial user subject to a regulation containing pollutant discharge limits promulgated by the USEPA in accordance with section 307(b) and (c) of the act, which applies to industrial users. Includes prohibitive discharge limits established pursuant to section 403.5 of the act, categorical pretreatment standards, restricted discharges and local limits. Must be permitted and monitored as a no-discharge facility to ensure they do not discharge wastewaters to the Publicly Owned Treatment Works; either by evaporation, off-site treatment, or other means of wastewater disposal.

ENTERPRISE FUND FEES

			Current Status Based on FY 22-23 Data			Proposed Fees for FY 24-25				
Department	**Fee Category**	**Service Description**	**Current Fee**	**Units of Service**	**Revenue Generated**	**Proposed Fee**	**% Change in Fee**	**Projected Revenue**	**Change in Revenue**	**Comments**
Environmental Services	Clean Water Services	Significant Industrial User (SIU)	$ 4,791	11	$ 52,701	$ 5,265	9.9%	$ 57,915	$ 5,214	Industrial user that discharges an average of 25,000 gdp or more of process wastewater to the POTW, contributes a process waste stream which makes up five percent more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, is designated as such by the POTW on the basis that it has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
		Industrial User (IU)	$ 781	27	$ 21,087	$ 858	9.9%	$ 23,166	$ 2,079	Any nonresidential user identified in division A, B, D, E, or I of the Standard Industrial Classification Manual or any user which discharges wastewater containing toxic or poisonous substances or any substance which cause interference or pass through in the POTW.
		Surcharge-Industrial User-High Strength With Excess BOD/TSS	$ 798	22	$ 17,556	$ 877	9.9%	$ 19,294	$ 1,738	Some industrial customers have wastewater that is made up of higher concentrations of pollutants that increase the City's cost for treatment. As a result, these customers pay a surcharge for wastewater treatment. Currently, the surcharge is applied to two pollutants; Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS). BOD is regulated because of low levels of oxygen in the water causes fish kills and other aquatic life impacts. TSS is regulated because the solids in water block sunlight and make photosynthesis more difficult so plant food sources don't grow for fish and aquatic life.
		Testing Charges	*		$ 95,534	*		$ 95,534	$ -	*Testing charges vary by industry due to number and type of parameter analyses required, pricing based on local private laboratory charges.

ENTERPRISE FUND FEES

			Current Status Based on FY 22-23 Data			Proposed Fees for FY 24-25				
Department	**Fee Category**	**Service Description**	**Current Fee**	**Units of Service**	**Revenue Generated**	**Proposed Fee**	**% Change in Fee**	**Projected Revenue**	**Change in Revenue**	**Comments**
Environmental Services	Sanitary Landfill and Associated Facilities	One Yard of Wood Mulch	$ 8.00	10,057	$ 80,456	$ 8.75	9.4%	$ 87,999	$ 7,543	An unscreened landscaping mulch of ground, woody materials for use on flower beds, shrubs, trees, and pathways.
		One Yard of Fine Wood Mulch	$ 19.00	2,194	$ 41,686	$ 20.00	5.3%	$ 43,880	$ 2,194	A fine textured landscaping mulch of ground, woody materials for use on flower beds, shrubs, trees and pathways.
		One Yard of Finished Compost	$ 28.00	4,176	$ 116,928	$ 30.00	7.1%	$ 125,280	$ 8,352	A high quality compost of yard and garden organic materials.
		Brush Lot Fee Car/SUV/Pickup or Trailer <8'	$ 9.50	12,665	$ 120,318	$ 10.25	7.9%	$ 129,816	$ 9,499	Gate fee for brush disposal at Yardwaste Recycling Center.
		Brush Lot Fee Trailer 8'-12'	$ 17.75	3,390	$ 60,173	$ 19.50	9.9%	$ 66,105	$ 5,933	
		Brush Lot Fee Trailer 12'-16'	$ 23.50	2,186	$ 51,371	$ 25.50	8.5%	$ 55,743	$ 4,372	
		Brush Lot Fee Trailer Dump Truck	$ 35.00	20	$ 700	$ 38.00	8.6%	$ 760	$ 60	
		Brush Lot Fee Large Volume $/cubic yard	$ 6.00	-	$ -	$ 6.50	8.3%	$ -	$ -	
		One Bag Mopost	$ 4.50	656	$ 2,952	$ 4.50	0.0%	$ 2,952	$ -	Fee for bagged compost and mulch products and sold at City recycling sites.
		One Bag Momulch	$ 3.50	224	$ 784	$ 3.50	0.0%	$ 784	$ -	
		YRC Delivery Fee (10 Mile Radius)	$ 46.00	60	$ 2,760	$ 46.00	0.0%	$ 2,760	$ -	Fee for delivery of bulk mulch or compost and mulch products produced and sold at City recycling sites.
		YRC Delivery Fee (Per Mile 10-20 Miles)	$ 2.35	154	$ 362	$ 2.60	10.6%	$ 400	$ 39	
		Tipping Fees	$ 35.47	394,078	$ 13,977,947	$ 38.50	8.5%	$ 15,172,003	$ 1,194,056	Minimum fee for disposal of Municipal Solid Waste, Construction & Demolition Waste, and Other Special Waste accepted by prior approval.

City Code Section Reference Guide

City Code Section Reference Guide

Page #	Description	Code Section	Code Section Title	Department
10	Driveway Permit	98-115	Issuance of permit; fee	Public Works
10	Sidewalk Permit	2-425(b)	Fees	Public Works
10-11	Right of Way Excavation Permit or Inspection	98-45	Fees	Public Works
11	Public Improvement Fee	98-12	Private construction of streets and other public improvements	Public Works/Environmental Services
12	Encroachment Permit - Administrative	98-323	Application and Permit Required	Public Works
12	Encroachment Permit - Council Action	98-322.1	Encroachment license pursuant to special ordinance	Public Works
12	Taxicab and Wrecker Inspection	118-126	Vehicle Inspection Fee	Public Works
14	Escrow Fee	98-14	Assurance for completion of improvements	Public Works
14-15	Hazelwood Burial Services	30-33	Fees and charges generally	Public Works
15	Micromobility device on City Right of Way	98-352	Micromobility device rental program	Public Works
15-16	Right of Way Repairs	98-51	Payment of charges for final repair	Public Works
15-16	Street Sweeping or Flushing	2-425	Fees	Public Works
17-19	Regulatory / Roadway Signs	2-425	Fees and charges generally	Public Works
22	Fee in Lieu of Sidewalk Construction	36-471	Sidewalk/pedestrian walkways	Public Works
22	Fee in Lieu of Stormwater Detention	96-16	Detention fee in lieu	Public Works
24	Tree Abatement	114-31	Trees on private property creating hazard to public ways	Public Works
26	Fats, Oils, Grease	2-425	Fees for City services; license and inspection fees	Clean Water Services
26-27	Industrial Pretreatment Fees	120-5	Fees and charges	Clean Water Services
27	Biosolids	2-425	Fees	Clean Water Services
28	Sanitary Landfill Mulch	2-425	Fees for City services; license and inspection fees	Sanitary Landfill

CITY OF Springfield

EXPLANATION TO COUNCIL BILL 2024-009 (SIMPSON)

FILED: 01/11/2024

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A special ordinance approving the selection of The Salvation Army and Women's Medical Respite as recipients of the City's Coronavirus State and Local Fiscal Recovery Funds allotted for non-congregate shelters; and authorizing the City Manager, or designee, to enter into agreements to carry out the programs.

PURPOSE: To allocate the City's Coronavirus State and Local Fiscal Recovery Funds under Special Ordinance 27874 for the creation of a homeless shelter based on acceptable proposals from non-profit organizations and authorizing the City Manager to enter into funding agreements as necessary with the agencies.

BACKGROUND INFORMATION: By Special Ordinance 27538 City Council accepted the award of $40,276,290 in Coronavirus State and Local Fiscal Recovery ("SLFRF") Funds from the U.S. Department of Treasury. SLFRF must be obligated by December 31, 2024, and all funds expended by December 31, 2026.

By Special Ordinance 27730 City Council allotted $7,000,000 for Housing/Homeless Projects.

By Special Ordinance 27874 City Council allotted up to $1,927,610 for the development of congregate or non-congregate homeless shelter.

The Department of Planning and Development issued a Notice of Funding Availability ("NOFA") with a Request for Proposals ("RFP") on August 7, 2023, for Homeless Emergency Shelter Grants for agencies to acquire, construct, renovate, or rehabilitate buildings for sheltering homeless persons.

Three agencies responded to the RFP with proposals to develop congregate shelters. "Exhibit A" shows the amount proposed by each agency. The proposals were evaluated by a 5-member staff committee using the Criteria in "Exhibit A." The agencies were The Salvation Army, The Council of Churches of the Ozarks, and Women's Medical Respite, all of whom currently aid homeless persons. A summary of the Evaluation is provided in "Exhibit B."

Staff recommends award to The Salvation Army and Women's' Medical Respite, the top ranked agencies. After researching the Treasury ARPA regulations, it was determined that a large part of Women's Medical Respite's proposed use of funds to pay a current debt on their facility is ineligible. The amount of The Salvation Army's proposal will not be significantly jeopardized if their award is reduced by $27,910, which

is the amount of eligible expenses for Women's Medical Respite project.

REMARKS:
City Council must approve the selection of and the award of ARPA funds for these agencies and authorize the City Manager to enter into the agreements to carry out the programs and reallocate any unused funds to meet the grant obligation and expenditure deadlines.

Submitted By: Bob Jones, Grants Administrator

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

Attachments:
1. ARPA Shelter Award_ Ord
2. ARPA Shelter Awards_exhA
3. ARPA Shelter Awards_exhB

One-rdg. _____
P. Hrngs. _____
Pgs. 13
Filed: 01-02-24

Sponsored by: Simpson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2024-009 SPECIAL ORDINANCE _____

AN ORDINANCE

APPROVING the selection of The Salvation Army and Women's Medical Respite as recipients of the City's Coronavirus State and Local Fiscal Recovery Funds allotted for non-congregate shelters; and authorizing the City Manager, or designee, to enter into agreements to carry out the programs.

_____

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

WHEREAS, City Council, through Special Ordinance 27730 adopted on July 25, 2022, allotted $7,000,000 of the City's Coronavirus State and Local Fiscal Recovery Funds for housing/homeless projects; and

WHEREAS, City Council, through Special Ordinance 27874 adopted on July 10, 2023, directed that, from the $7,000,000 allocated for housing/homeless projects, $1,927,610 be applied specifically for the development of non-congregate shelters; and

WHEREAS, three agencies, The Salvation Army, The Council of Churches of the Ozarks, and Women's Medical Respite responded to the Request for Proposals ("RFP"); and

WHEREAS, the three proposals were evaluated by a 5-member staff committee using the criteria set forth in "Exhibit A"; and

WHEREAS, upon evaluation, the 5-member staff committee recommends an award to The Salvation Army in the amount of $1,832,569 and an award to Women's Medical Respite in the amount of $29,111; and

WHEREAS, City Council must approve the selection of these agencies to receive the designated Coronavirus State and Local Fiscal Recovery Funds and must authorize the City Manager, or his designee, to enter into agreements to carry out the programs.

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

Section 1 – City Council approves the selection of The Salvation Army and Women's Medical Respite as recipients of the City's Coronavirus State and Local Fiscal Recovery Funds allotted for non-congregate shelters.

Section 2 – City Council hereby authorizes the City Manager, or his designee, to develop and enter into funding agreements with The Salvation Army and Women's Medical Respite for the recommended funding amounts set forth in "Exhibit B," which is attached hereto and incorporated herein by reference, provided that any agreements or documents executed pursuant to this authority are in a form approved by the City Attorney.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXHIBIT A

Homeless Emergency Shelter Proposal Ranking Score Sheet

Scoring Ranges

	15 Point Questions	10 Point Questions	5 Point Questions
Acceptable	10 – 15	7 – 10	4 – 5
Marginal	7 – 9	5 – 7	2 – 3
Unacceptable	0 – 6	0 – 4	0 – 1

	Evaluation Criteria	Maximum Points	Score
1.	**Evidence of Experience with Shelter Operations** - the applicant must be able to demonstrate in detail that their organization has prior experience with operating shelters for those that are homeless, and/or those Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, as defined by HUD, in accordance with current Homeless Management Information System (HMIS) standards, and utilizing a Housing First approach.	15	_____
2.	**Agency's Capacity** - The applicant must describe the proposed program staffing, including the experience of key staff members, and support the proposed level of staffing and resources needed to operate the program effectively.	15	_____
3.	**Experience with Federal Grant Funding and OAEH Involvement** – the applicant organization must have a high level of experience with federal grant funding and reporting, including the tracking of racial and demographic information for unduplicated beneficiaries. The applicant must be committed to or demonstrate active involvement in the Ozarks Alliance to End Homelessness (OAEH).	10	_____
4.	**Addition of Shelter Beds** – the completion of the homeless Emergency Shelter project must result in a cumulative increase in the number of shelter beds within the OAEH.	10	_____
5.	**Project Readiness** – the applicant must be able to demonstrate in detail that the project is shovel ready and can be fully completed, and the funds can be fully expended, with all City reimbursement requests being processed prior to 12/31/2026. Preference will be given to projects in which the applicant has appropriate site control, architectural plans are in place, and zoning requirements are met at the time of proposal submission. The applicant must provide evidence that the developer has appropriate skills and experience related to the development of shelters or other similar facilities.	10	_____
6.	**Location Factors –** all projects must be located within the city limits of	5	_____

Springfield and must fully comply with zoning requirements at the time of proposal submission. Preference will be given to proposals that are located on or near a city bus line.

7.	**Cost Effectiveness** - the applicant's proposal allows for the most efficient and cost-effective use of ARPA funds so that the greatest number of qualifying populations of individuals and families will be assisted.	5	_____
8.	**Reliable Source of Secured Operating Funding** – the applicant must be able demonstrate in detail that the organization has secured a clear and reliable source of funding for operating the homeless ES. The sources and uses of the operating funding must be enumerated in detail. (Operating costs cannot be paid with ARPA funding).	10	_____
9.	**Leveraging** – projects will be prioritized that can provide matching funds to the project, including funds that have been obligated toward shelter operations. The applicant must demonstrate how the proposed program will leverage other funding or resources to serve more clients or provide additional services.	10	_____
10.	**NOFA Funding will Fully Complete Project** – as of the time of proposal submittal, the funding associated with this NOFA / RFP must be sufficient to allow the homeless ES project to be fully completed. The applicant must demonstrate that U.S. Treasury Department ARPA funds will be fully expended prior to 12/31/2026.	10	_____

Ranked By: _____

TOTAL POINTS (100) _____

HOME-ARPA ALLOCATIONS					
PROJECTS	requested	%		awarded	% of request
TKI - Non Congregate Shelter	$1,976,753	55%		$1,976,753	100%
3 Rentals - SCLT / Rebound / Sankofa	$1,238,950	34%		$1,238,950	100%
Support Services	$400,000	11%		$400,000	100%
TOTAL	$3,615,703			$3,615,703	

Final allocations or adjustment are permitted up to 25% in any project category for required changes during imlementation and final subgrantee agreements. The total allocation will not be changed.

CITY SLFRF ARPA ALLOCATION for CONGREGATE SHELTER					
PROJECTS	requested	%		recommendation	% of request
Council of Churches - Safe to Sleep	$1,100,000	35%		$0	0%
Salvation Army - Harbor House	$1,861,680	60%		$1,833,770	99%
Women's Medical Respite	$144,442	5%		$27,910	19%
TOTAL	$3,106,122			$1,861,680	

Final allocations or adjustment are permitted up to 25% in any project category for required changes during imlementation and final subgrantee agreements. The total allocation will not be changed.

Homeless Emergency Shelter Proposals

ARPA proposals Congregate Shelter - $1,876,760

Proj.	Project Name	Agency	Grant term: 3/1/2021 - 12/31/2026 Requested	Experce Shltr Op 1	Agency Capacity 2	Experience Fed Grants & OAEH 3	Added Shelter Beds 4	Project Readiness 5	Location Factors 6	Cost Effective 7	Secured Op Funds 8	Leveraging 9	Complete Project 10	TOTAL	comm mbr#
sts	STS	**Council of Churches - Safe to Sleep**	$ 1,100,000.00	13	15	10	1	2	3	3	7	6	4	64	1
sa	SA	**Salvation Army - Harbor House**	$ 1,861,680.00	15	15	10	10	7	5	5	8	10	9	94	BJ
wmr	WMR	**Women's Medical Respite**	$ 144,442.31	9	11	7	10	8	5	3	3	10	7	73	
		SUBTOTAL	$ 3,106,122.31												
sts	STS	**Council of Churches - Safe to Sleep**	$ 1,100,000.00	15	10	10	0	3	1	1	7	4	4	55	comm mbr#
sa	SA	**Salvation Army - Harbor House**	$ 1,861,680.00	15	15	10	10	7	5	2	10	5	5	84	2
wmr	WMR	**Women's Medical Respite**	$ 144,442.31	12	10	5	10	10	5	5	4	4	10	75	DF
		SUBTOTAL	$ 3,106,122.31												
sts	STS	**Council of Churches - Safe to Sleep**	$ 1,100,000.00	15	15	10	1	3	3	3	8	10	9	77	comm mbr#
sa	SA	**Salvation Army - Harbor House**	$ 1,861,680.00	14	15	10	10	10	4	5	8	10	9	95	3
wmr	WMR	**Women's Medical Respite**	$ 144,442.31	15	15	8	10	9	4	5	7	8	10	91	GT
		SUBTOTAL	$ 3,106,122.31												
sts	STS	**Council of Churches - Safe to Sleep**	$ 1,100,000.00	15	15	10	0	3	2	3	10	10	5	73	comm mbr#
sa	SA	**Salvation Army - Harbor House**	$ 1,861,680.00	15	15	10	10	10	3	5	7	10	10	95	4
wmr	WMR	**Women's Medical Respite**	$ 144,442.31	15	10	8	10	7	5	5	5	10	10	85	LG
		SUBTOTAL	$ 3,106,122.31												
sts	STS	**Council of Churches - Safe to Sleep**	$ 1,100,000.00	14	12	8	7	3	4	4	9	9	7	77	comm mbr#
sa	SA	**Salvation Army - Harbor House**	$ 1,861,680.00	12	13	7	10	9	5	4	9	10	7	86	4
wmr	WMR	**Women's Medical Respite**	$ 144,442.31	10	12	5	7	10	4	3	4	10	9	74	BA
		SUBTOTAL	$ 3,106,122.31												

copy & paste Row 5 to 24 below then sort by Column B to put all 5 scores for each agency together

				15	15	10	10	10	5	5	10	10	10	
		ARPA proposals Congregate Shelter - $1,876,76												
Proj.	Project Name	Agency	Grant term: 3/1/2021 - 12/31/2026 Requested	Experce Shltr Op 1	Agency Capacity 2	Experience Fed Grants & OAEH 3	Added Shelter Beds 4	Project Readiness 5	Location Factors 6	Cost Effective 7	Secured Op Funds 8	Leveraging 9	Complete Project 10	TOTAL
sa	SA	**Salvation Army - Harbor House**	$ 1,861,680.00	15	15	10	10	7	5	5	8	10	9	94
sa	SA	**Salvation Army - Harbor House**	$ 1,861,680.00	15	15	10	10	7	5	2	10	5	5	84
sa	SA	**Salvation Army - Harbor House**	$ 1,861,680.00	14	15	10	10	10	4	5	8	10	9	95
sa	SA	**Salvation Army - Harbor House**	$ 1,861,680.00	15	15	10	10	10	3	5	7	10	10	95

sa	SA	**Salvation Army - Harbor House**	$ 1,861,680.00	12	13	7	10	9	5	4	9	10	7	86	454
		Salvation Army - Harbor House	$ 1,861,680.00	71	73	47	50	43	22	21	42	45	40	454	
sts	STS	**Council of Churches - Safe to Sleep**	$ 1,100,000.00	13	15	10	1	2	3	3	7	6	4	64	
sts	STS	**Council of Churches - Safe to Sleep**	$ 1,100,000.00	15	10	10	0	3	1	1	7	4	4	55	
sts	STS	**Council of Churches - Safe to Sleep**	$ 1,100,000.00	15	15	10	1	3	3	3	8	10	9	77	
sts	STS	**Council of Churches - Safe to Sleep**	$ 1,100,000.00	15	15	10	0	3	2	3	10	10	5	73	
sts	STS	**Council of Churches - Safe to Sleep**	$ 1,100,000.00	14	12	8	7	3	4	4	9	9	7	77	346
		Council of Churches - Safe to Sleep	$ 1,100,000.00	72	67	48	9	14	13	14	41	39	29	346	
wmr	WMR	**Women's Medical Respite**	$ 144,442.31	9	11	7	10	8	5	3	3	10	7	73	
wmr	WMR	**Women's Medical Respite**	$ 144,442.31	12	10	5	10	10	5	5	4	4	10	75	
wmr	WMR	**Women's Medical Respite**	$ 144,442.31	15	15	8	10	9	4	5	7	8	10	91	
wmr	WMR	**Women's Medical Respite**	$ 144,442.31	15	10	8	10	7	5	5	5	10	10	85	
wmr	WMR	**Women's Medical Respite**	$ 144,442.31	10	12	5	7	10	4	3	4	10	9	74	398
		Women's Medical Respite	$ 144,442.31	61	58	33	47	44	23	21	23	42	46	398	

EXHIBIT B

Homeless Emergency Shelter Program proposals **ARPA proposals Congregate Shelter - $1,861,680**

Grant term: 3/1/2021 - 12/31/2026		Experce Shltr Op	Agency Capacity	Experience Fed Grants & OAEH	Added Shelter Beds	Project Readiness	Location Factors	Cost Effective	Secured Op Funds	Leveraging	Complete Project	
Agency	Requested	1	2	3	4	5	6	7	8	9	10	TOTAL
Salvation Army - Harbor House	**$ 1,861,680.00**	**71**	**73**	**47**	**50**	**43**	**22**	**21**	**42**	**45**	**40**	**454**
Council of Churches - Safe to Sleep	**$ 1,100,000.00**	**72**	**67**	**48**	**9**	**14**	**13**	**14**	**41**	**39**	**29**	**346**
Women's Medical Respite	**$ 144,442.31**	**61**	**58**	**33**	**47**	**44**	**23**	**21**	**23**	**42**	**46**	**398**
Total score possible		***75***	***75***	***50***	***50***	***50***	***25***	***25***	***50***	***50***	***50***	***500***

CITY SLFRF ARPA ALLOCATION for CONGREGATE SHELTER

PROJECTS	REQUESTED	% of requested funds	RECOMMENDATION	% of request to available funds
Salvation Army - Harbor House	**$1,861,680**	**59.9%**	**$1,832,569**	**98.4%**
Council of Churches - Safe to Sleep	**$1,100,000**	**35.4%**	**$0**	**0.0%**
Women's Medical Respite *	**$144,442**	**4.7%**	**$29,111**	**1.6%**
TOTAL	**$3,106,122**		**$1,861,680**	

Women's Medical Respite *

Requested Total per Line Item	NOT ELIGIBLE	ELIGIBLE	NOTES
$17,433.00	$0.00	**$17,433.00**	Furnace Replacement
$114,431.02	$114,431.02	**$0.00**	Facility debt payments
$9,620.00	$0.00	**$9,620.00**	Privacy Fence
$1,201.29	$0.00	**$1,201.29**	Facility Closing Costs
$1,757.00	$900.00	**$857.00**	Security System
$144,442.31	$115,331.02	**$29,111.29**	

Operating costs and debt payments are not eligible expenses.

Homeless Emergency Shelter Program proposals

ARPA proposals Congregate Shelter - $1,861,680

Grant term: 3/1/2021 - 12/31/2026

Agency	Requested	Experce Shltr Op	Agency Capacity	Experience Fed Grants & OAEH	Added Shelter Beds	Project Readiness	Location Factors	Cost Effective	Secured Op Funds	Leveraging	Complete Project	TOTAL
		1	2	3	4	5	6	7	8	9	10	
Women's Medical Respite	$ 144,442.31	61	58	33	47	44	23	21	23	42	46	398
Total score possible		***75***	***75***	***50***	***50***	***50***	***25***	***25***	***50***	***50***	***50***	***500***
% of Total		***81%***	***77%***	***66%***	***94%***	***88%***	***92%***	***84%***	***46%***	***84%***	***92%***	***80%***

CITY SLFRF ARPA ALLOCATION for CONGREGATE SHELTER

PROJECTS	requested	% of requested funds	recommendation	% of request to available funds
Women's Medical Respite *	$144,442	4.7%	$27,910	1.5%
TOTAL (3 requests)	$3,106,122		$1,861,680	

Women's Medical Respite * only $27,910 eligible (operating costs are not eligible)

Requested Total per Line Item	NOT eligible	ELIGIBLE	
17433.00	0.00	17433.00	Furnace Replacement
114431.02	114431.02	0.00	Facility payments
9620.00	0.00	9620.00	Privacy Fence
1201.29	0.00	1201.29	Facility Closing Costs
1757.00	900.00	857.00	Security System
$144,442.31	$115,331.02	$29,111.29	

Homeless Emergency Shelter Program proposals

ARPA proposals Congregate Shelter - $1,861,680

Grant term: 3/1/2021 - 12/31/2026		Experce Shltr Op	Agency Capacity	Experience Fed Grants & OAEH	Added Shelter Beds	Project Readiness	Location Factors	Cost Effective	Secured Op Funds	Leveraging	Complete Project	
Agency	Requested	1	2	3	4	5	6	7	8	9	10	TOTAL
Council of Churches - Safe to Sleep	$ 1,100,000.00	72	67	48	9	14	13	14	41	39	29	346
Total score possible		***75***	***75***	***50***	***50***	***50***	***25***	***25***	***50***	***50***	***50***	***500***
% of Total		***96%***	***89%***	***96%***	***18%***	***28%***	***52%***	***56%***	***82%***	***78%***	***58%***	***69%***

CITY SLFRF ARPA ALLOCATION for CONGREGATE SHELTER

PROJECTS	requested	% of requested funds	recommendation	% of request to available funds
Council of Churches - Safe to Sleep	$1,100,000	34.5%	$0	0.0%
TOTAL (3 requests)	$3,106,122		$1,861,680	

Homeless Emergency Shelter Program proposals

ARPA proposals Congregate Shelter - $1,861,680

Grant term: 3/1/2021 - 12/31/2026

Agency	Requested	Experce Shltr Op	Agency Capacity	Experience Fed Grants & OAEH	Added Shelter Beds	Project Readiness	Location Factors	Cost Effective	Secured Op Funds	Leveraging	Complete Project	TOTAL
		1	2	3	4	5	6	7	8	9	10	
Salvation Army - Harbor House	$ 1,861,680.00	71	73	47	50	43	22	21	42	45	40	454
Total score possible		***75***	***75***	***50***	***50***	***50***	***25***	***25***	***50***	***50***	***50***	***500***
% of Total		***95%***	***97%***	***94%***	***100%***	***86%***	***88%***	***84%***	***84%***	***90%***	***80%***	***91%***

CITY SLFRF ARPA ALLOCATION for CONGREGATE SHELTER

PROJECTS	requested	% of requested funds	recommendation	% of request to available funds
Salvation Army - Harbor House	$1,861,680	59.9%	$1,833,770	98.5%
TOTAL (3 requests)	$3,106,122		$1,861,680	

EXPLANATION TO COUNCIL BILL 2024-010 (CARROLL)

FILED: 01/11/2024

ORIGINATING DEPARTMENT: Human Resources

TITLE: A special ordinance approving the Eighth Amendment to the July 1, 2021, Collective Bargaining Agreement between the City and the Springfield Police Officers Association, Fraternal Order of Police Lodge 22, representing changes requested by the Springfield Police Officers Association, Fraternal Order of Police Lodge 22, regarding seniority and reinstatements; and authorizing the City Manager, or designee, on behalf of the City, to execute and deliver the Eighth Amendment to the Collective Bargaining Agreement to the Springfield Police Officers Association, Fraternal Order of Police Lodge 22.

PURPOSE: To approve entering into the Eighth Amendment to the July 1, 2021 Collective Bargaining Agreement ("CBA") between the City and the Springfield Police Officers Association, Fraternal Order of Police Lodge 22 (“SPOA”), representing changes requested by the SPOA regarding seniority and reinstatements; and authorizing the City Manager, or his designee, on behalf of the City, to execute and deliver the Eighth Amendment to the Collective Bargaining Agreement to the SPOA.

BACKGROUND INFORMATION: On April 4, 2023, the public voted to amend the City Charter to allow, in certain conditions, for reinstatements to the classified service to occur without the requirement of an open competitive process. The CBA with the SPOA contains provisions regarding seniority that currently require department and rank seniority to be based on the last date of hire. The SPOA has requested changes to these sections, specifically sections 12.4 "Termination of Seniority," and 12.6 "Additional Provisions Applicable to Seniority." These changes will allow reinstated members of the bargaining unit to retain the seniority the reinstated employee had at the time of separation.

The City has previously established a team to represent the City in collective bargaining. The City's team is amenable to the requested changes. Such changes will hopefully encourage eligible, former employees to seek reinstatement within the City's Police Department.

Remarks: The recommendations and explanations contained herein are consistent with City Council's policies. It is respectfully requested that City Council approve this Eighth Amendment to the SPOA CBA and authorize the City Manager, or designee, to enter into the amendment.

Submitted By: Rochelle Yoap, Assistant Director of Human Resources

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

Attachments:
1. 8th Amendment to SPOA CBA_Ord
2. Ex. 1 8th Am to SPOA CBA

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 01-02-24

Sponsored by: Carroll

First Reading:_____ Second Reading:_____

COUNCIL BILL 2024-010 SPECIAL ORDINANCE _____

AN ORDINANCE

APPROVING the Eighth Amendment to the July 1, 2021, Collective Bargaining Agreement between the City and the Springfield Police Officers Association, Fraternal Order of Police Lodge 22, representing changes requested by the Springfield Police Officers Association, Fraternal Order of Police Lodge 22, regarding seniority and reinstatements; and authorizing the City Manager, or designee, on behalf of the City, to execute and deliver the Eighth Amendment to the Collective Bargaining Agreement to the Springfield Police Officers Association, Fraternal Order of Police Lodge 22.

_____

WHEREAS, the City and the Springfield Police Officers Association, Fraternal Order of Police Lodge 22 ("SPOA"), are parties to a certain Collective Bargaining Agreement effective July 1, 2021 (the "CBA"); and

WHEREAS, the City established a team (the "City's team") for the purposes of acting as the City's exclusive agent in collectively bargaining; and

WHEREAS, the SPOA has requested that the City agree to amend the language in Article 12 "Seniority," Sections 12.4 "Termination of Seniority" and 12.6 "Additional Provisions Applicable to Seniority," so as to allow former employees, upon reinstatement, to retain the seniority the former employee had prior to leaving employment with the City; and

WHEREAS; the City's team is agreeable to amending Sections 12.4 "Termination of Seniority" and 12.6 "Additional Provisions Applicable to Seniority" and reached a tentative agreement with the SPOA to enter into the Eighth Amendment to the CBA to amend Sections 12.4 and 12.6, said tentative agreement being subject to ratification by the bargaining unit and approval by City Council; and

WHEREAS, the bargaining unit voted to ratify the proposed Eighth Amendment on or about December 22, 2023; and

WHEREAS, the proposed Eighth Amendment is now submitted to City Council for consideration and approval.

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

Section 1 – Having reviewed and considered the Eighth Amendment to the CBA, which is attached hereto and incorporated herein as “Exhibit 1,” City Council hereby approves entering into the Eighth Amendment as a final and binding amendment to the CBA.

Section 2 – City Council hereby authorizes the City Manager, or designee, to execute and deliver the Eighth Amendment to the CBA to the SPOA. City Council also authorizes the City Manager to enter into and execute any future agreements with the SPOA involving interpretations of language in the CBA, including any amendments thereto.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

Exhibit 1

EIGHTH AMENDMENT TO JULY 1, 2021 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SPRINGFIELD, MISSOURI AND THE SPRINGFIELD POLICE OFFICERS ASSOCIATION, FRATERNAL ORDER OF POLICE LODGE 22

This Eighth Amendment ("Eighth Amendment") is to the collective bargaining agreement ("CBA") between the City of Springfield, Missouri ("City") and the Springfield Police Officers Association, Fraternal Order of Police Lodge 22 ("SPOA").

Whereas, the City and SPOA are parties to a July 1, 2021 CBA, regarding the bargaining unit defined in the CBA and the CBA was previously amended by First, Second, Third, Fourth, Fifth, Sixth, and Seventh Amendments;

Whereas, the SPOA has requested that the City agree to amend the language in Article 12 "Seniority," Sections 12.4 "Termination of Seniority" and 12.6 "Additional Provisions Applicable to Seniority," so as to allow former employees, upon reinstatement, to retain the seniority the former employee had prior to leaving employment with the City;

Whereas, the City is amenable to making the requested changes and will present to the City's Personnel Board a proposed amendment to Merit Rule 8.12 to allow retirees who are beneficiaries of the Police and Fire Pension Plan to be eligible for reinstatement; and

Whereas all other provisions of the CBA will remain unchanged.

Now therefore, in consideration of the foregoing, and contingent upon approval and authorization from City Council, the parties agree to amend sections 12.4 and 12.6 of the CBA, as set forth below (additions are listed in *italics,* deletions are ~~stricken~~*)* and to be effective upon execution:

12.4 Termination of Seniority

Subject to Section 12.6 below, ~~S~~seniority shall terminate when an employee's employment with the City of Springfield Police Department is terminated for any reason other than a layoff of less than twelve (12) months. If an employee challenges his termination and is reinstated, his seniority date shall be the same as if he had not been discharged.

12.6 Additional Provisions Applicable to Seniority

The City and the SPOA agree that for purposes of annual shift bidding, departmental seniority, and rank seniority, Merit Rule ~~8.7~~ *8.12 regarding reinstatement applies such that a former police department employee reinstated to a position of the same class in the bargaining unit shall have the same seniority as the employee had at the time of separation. This shall apply to any reinstatement that occurs after the date of this amendment. In all instances not involving reinstatement or a layoff of less than twelve (12) months and which occur after* ~~does not apply, and further agree that from and after~~ the November 8, 2015 Letter of Agreement between the

parties, only an employee's most recent hire or rehire date is applicable in accordance with this Article 12.

_____	_____
Justin Hollingsworth, President SPOA 22	Jason Gage, City Manager
_____	_____
Date	Date

Certification that this Eighth Amendment to the July 1, 2021, SPOA CBA is within the purpose of any appropriation to which it is to be charged and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefor:

_____
David Holtmann, Director of Finance

Approved as to form:

_____
City Attorney or Assistant City Attorney

EXPLANATION TO COUNCIL BILL 2024-015 (HORTON)

FILED: 01/04/2024

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A resolution granting a Short-Term Rental Type 2 permit for the property generally located at 415 E. Division, 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 415 E Division, 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 415 E Division. Section 36-473 of the Zoning Ordinance requires that no STR Type 2 shall be permitted on a block face with fewer than four residential structures unless an appeal is granted by City Council. There are only two residential structures located along the block face of the subject property. Block face is defined as one side of a street from one intersection to the next, not including alleys. A residential structures' block face is determined by the mailing address assigned to the residence.

The applicant has conducted the required neighborhood meeting and obtained one signature from the two adjacent property owners, resulting in fifty (50) percent consent as shown in "Exhibit C."

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

Property owners within 500 feet of the proposed Short-Term Rental Type 2 establishment have been notified by regular mail of the January 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: Bob Hosmer, Planning Manager

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Maurice S. Jones, Deputy City Manager 1/10/2024

Attachments:

1. STR2 Appeal 415 E. Division (1)
2. STR2 Appeal 415 E Division_Exh A
3. STR2 Appeal 415 E Division_Exh B
4. STR2 Appeal 415 E Division_Exh C

One-rdg. X
P. Hrngs. _____
Pgs. 15
Filed: 01-16-24

Sponsored by: Horton

COUNCIL BILL 2024-015 RESOLUTION _____

A RESOLUTION

GRANTING a Short-Term Rental Type 2 permit for the property generally located at 415 E. Division, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

WHEREAS, the owner of the property located at 415 E. Division has applied for a Short-Term Rental ("STR") Type 2 Permit; and

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

WHEREAS, if the signatures of 55 percent of the neighboring property owners cannot be secured, City Council may, by resolution, grant the STR Type 2 Permit; and

WHEREAS, the owner of the property located at 415 E. Division has obtained one of the two signatures of property owners adjacent to and immediately across the street from the property, resulting in 50 percent consent of the neighboring property owners; and

WHEREAS, property owners within 500 feet of the proposed STR Type 2 establishment were notified by regular mail of the January 22, 2024, City Council meeting.

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

Section 1 – City Council hereby grants the applicant a STR Type 2 Permit for the property located at 415 E. Division. The granting of the Permit is expressly subject to compliance with Section 36-473 of the Land Development Code, and any other applicable provisions of City Code.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXHIBIT A

Dear Springfield City Council,

We are the owners of 415 E Division St Springfield MO 65803 and are currently in the process of obtaining a short term rental license for our property. We are currently requesting an appeal for the STR license for two reasons; 1. We couldn't capture one of our neighbors signatures as they've been out of town prior to our neighborhood meeting and are still currently unavailable. Our neighbors have been fully supportive of the property being a short term rental and would sign the affidavit. 2. Our property is on a short block. We purchased this property as an investment property and to bring something to the 417 that Springfield did not have. This home is a "girly" fun house that has brought countless people from across the country. When people come to visit our home, they're also visiting Springfield MO, which provides more business for other local business owners. Having the property also brings people into the Midtown area, which is a beautiful area that many locals aren't aware of. This property will be taken care of more than a standard long term rental. In our area, there aren't too many short term rentals as well! These are just a few reasons as to why we feel our property should be granted the STR license.

We are requesting an appeal session for the STR license as soon as possible please.

Thank you,

Alexa and Anthony Orth

Application for Short-Term Rental Type 2

****eCity INSTRUCTIONS****

****PLEASE FOLLOW STEPS 1 & 2 BEFORE SUBMITTING THIS APPLICATION****

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

Case No.	
Date Filed	
Received By	
Receipt No.	

*Fee Amount Paid: $_____
See Fee Schedule

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

Property Address: 415 E DIVISION

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: ANTHONY ORTH

If corporation: Corporate Official: _____

Mailing Address: 731 S MARLAN AVE

Zip Code: 65802 Phone: 417-379-0801

E-mail: ORTH INVESTMENT GROUP LLC @ GMAIL

PROPERTY OWNER'S SIGNATURE: _____

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: 11/27/23 4-630p
3. Meeting Location: 415 E Division St 65803
4. Number of invitations that were sent: 50
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.)

   No issues were raised. Both neighbors agree and like that we have an AirBnB.

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

   none received.

I, Alexa Oan (*print name)*, attest that the neighborhood meeting was held on 11/27/23 (*month/date/year),* in accordance with the attached "Neighborhood Notification and Meeting Process."

Alexa Oan
Signature of person completing affidavit

Alexa Oan
Printed name of person completing affidavit

NEIGHBORHOOD MEETING SIGN-IN SHEET

Project: Short-Term Rental Type 2	**Meeting Date:** 11/27/23 4-630P
Owner/Operator: Alexa & Anthony Orth	**Location of Meeting:** 415 E. Division

Name	Address	Phone	E-Mail
BRIAN KING	1600 N. JEFFERSON AVENUES	417-865-1469	btaylorking@gmail.com
TIM HALL	P.O. BOX 1151	417-830-1370	Thall@me.com

EXHIBIT C

SHORT-TERM RENTAL TYPE 2 ADJACENT OWNER CONSENT AFFIDAVIT

Address of Proposed Short-Term Rental: **415 East Division Street**

STATE OF_____)

COUNTY OF_____)

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

_____
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 _____ day of _____, 20 _____.

_____
Notary Public

My Commission expires: _____

City of Springfield Short-Term Rental
ADJACENT OWNER CONSENT FORM

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **415 East Division 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: 1500 N JEFFERSON AVE

Owner(s) of Record (Typed or Printed)

Signature(s) of Owners

Title

Notary Seal (only required if signature not witnessed by applicant)

SEAL

2. Address of Adjacent Residential Property: 423 E DIVISION ST

Timothy E. Hall

Owner(s) of Record (Typed or Printed)

Timothy E Hall

Signature(s) of Owners

Title

Notary Seal (only required if signature not witnessed by applicant)

SEAL

3. 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

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

AFFIDAVIT OF SIGN POSTING

Attach photo here

See next page.

(sign lettering must be legible in photo)

I, Alexa Oah *(print name of owner, agent, attorney)*, attest that the above sign was posted 10 days before the public hearing on 11/27/23 *(month/day/year)* and in accordance with the given posting requirements.

Alexa Oah
Signature of person completing sign posting

Alexa Oah
Printed name of person completing sign posting

AT&T
Neighborhood Meeting
Type 2 Short-Term Rental

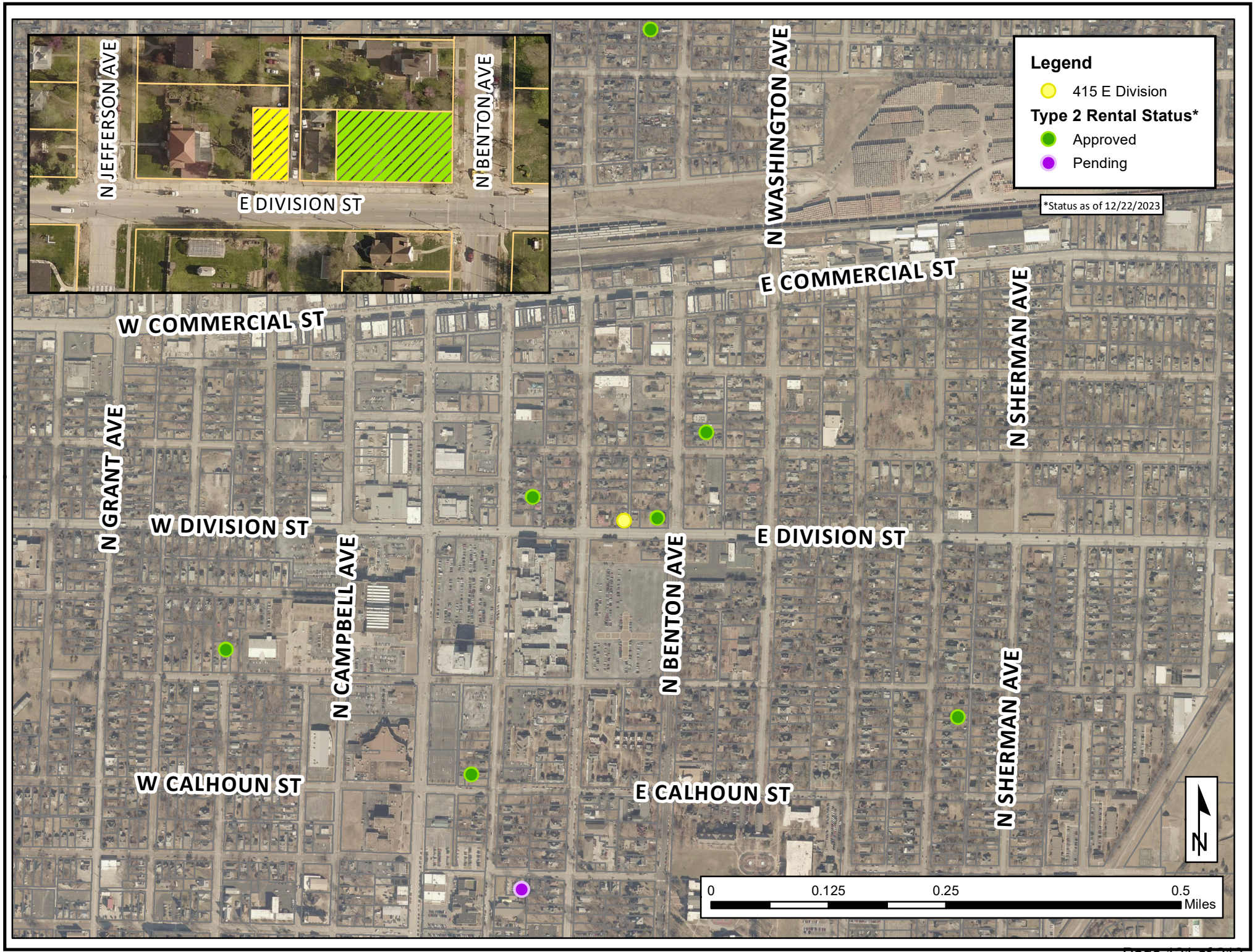
Adjacent Property

CITY OF Springfield

0 5 10 20 30 40 Feet

SCALE: 1:369

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.


N JEFFERSON AVE
E DIVISION ST
N BENTON AVE
N WASHINGTON AVE
E COMMERCIAL ST
W COMMERCIAL ST
N SHERMAN AVE
N GRANT AVE
W DIVISION ST
E DIVISION ST
N CAMPBELL AVE
N BENTON AVE
N SHERMAN AVE
W CALHOUN ST
E CALHOUN ST
Legend
415 E Division
Type 2 Rental Status*
Approved
Pending
*Status as of 12/22/2023
N
0
0.125
0.25
0.5
Miles

City of Springfield, Missouri
Short-Term Rental Intake Form

1. Business Name (if applicable): Orth Investment Group LLC

   Operator(s) Name: Alexa & Anthony Orth

   Operator(s) Address: 731 S Marlan Ave Springfield Mo 65802

   Phone: 4178497403 E-Mail: orthinvestmentgroupllc@gmail.com

   Short-Term Rental Address: 415 E Division St Springfield Mo 65803

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

Alexa Orth
Business Owner/Operator

Alexa Orth
Signature

Property Owner
only if different

Signature

APPLICANT FILL OUT TO THIS POINT

PLANNING and DEVELOPMENT

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

PLN: 2023-00195 Personnel: A. Menke Date Reviewed: 7/18/2023

Comments: _____

For assistance contact Development Review at 417-864-1613 or amenke@springfieldmo.gov

EXPLANATION TO COUNCIL BILL 2024-016 (HARDINGER)

FILED: 01/11/2024

ORIGINATING DEPARTMENT: Law

TITLE: A resolution approving the revised investment policy statement for the Police Officers' and Fire Fighters' Retirement Fund.

PURPOSE: To approve and adopt the revised investment policy statement for the Police Officers' and Fire Fighters' Retirement Fund.

BACKGROUND INFORMATION: Under Section 2-458 of the City Code, the Board of Trustees for the Police Officers' and Fire Fighters' Retirement Fund is tasked with developing an investment policy statement. Funds are then invested pursuant to the objectives, goals, and categories set forth in that investment policy statement. Any change to the investment policy statement is to be approved by City Council and the last time the Board submitted and Council approved a revised investment policy statement was in 2017 through Resolution 10334.

In 2023, the Board's new investment consultant presented the Board with an asset liability study and made recommendations regarding current and future investments of funds and assets. The Board of Trustees, working with its new investment consultant, has created a new, updated investment policy statement which takes into account those recommendations and also provides greater clarity of expectations and long term investment goals. The Board unanimously approved the new, revised investment statement policy at its January 11, 2024, meeting and also unanimously approved submitting the new investment policy statement to City Council for Council's approval. Approval of the new investment policy statement will allow the Board of Trustees to begin implementing the investment recommendations of the investment consultant.

The new, revised investment policy statement is attached to the Council Bill as "Exhibit 1." Upon approval by City Council, it will replace the previous investment policy statement.

Submitted By: Lance Roskens, Assistant City Attorney

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Jason Gage, City Manager 1/16/2024

Attachments:
1. Pension Board IPS
2. Ex. 1 Investment Policy Statement Approved by Board

One-rdg. X
P. Hrngs. _____
Pgs. 14
Filed: 01-16-24

Sponsored by Hardinger

COUNCIL BILL 2024-016 RESOLUTION _____

A RESOLUTION

APPROVING the revised investment policy statement for the Police Officers' and Fire Fighters' Retirement Fund.

WHEREAS, Section 2-458 of the City's Code grants the Board of Trustees of the Police Officers' and Fire Fighters' Retirement Fund ("Board") the authority to make investments of the fund's assets per the most recently approved investment policy statement approved by City Council; and

WHEREAS, the investment policy statement has not been revised since Resolution 10334 passed in 2017 and the Board seeks to update the investment policy to provide clarity of expectations and to adopt new allowed asset class ranges and long term investment goals; and

WHEREAS, the Board approved the new, revised investment policy statement at its meeting on January 11, 2024, and recommended submission to City Council for Council's approval.

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

Section 1 – Having reviewed and considered the revised investment policy statement, which is attached hereto as "Exhibit 1," City Council hereby approves and adopts the revised investment policy statement.

Section 2 – The previous investment policy statement is replaced by "Exhibit 1," the revised investment policy statement.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action _____, City Manager

Exhibit 1

CITY OF SPRINGFIELD POLICE OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM

INVESTMENT POLICY STATEMENT

January 11, 2023

I. INTRODUCTION & PURPOSE

This Investment Policy Statement ("IPS") is established by the Board of Trustees of the City of Springfield Police Officers' and Fire Fighters' Retirement System ("Board") to set forth the investment policy and guidelines for the management of the investable assets of the City of Springfield Police Officers' and Fire Fighters' Retirement Fund ("Fund"), a defined benefit pension fund. The Fund was established to provide retirement benefits to the Police Officers and Fire Fighters employed by the City of Springfield ("City") and their beneficiaries. The City of Springfield has delegated the authority to supervise, manage and monitor the Fund to the Board.

This IPS serves to:

A. Define the purpose of the Fund including the broad investment philosophy, goals, policies, and specific objectives that govern the management of all assets;
B. Outline the duties and responsibilities of all involved parties;
C. Articulate guidelines, limitations, and strategies for diversification, acceptable levels of risk, expectations concerning return and liquidity, and the procedures for monitoring and control;
D. Provide criteria against which investment results will be measured;
E. Serve as a reference document to guide ongoing oversight.

The Board is responsible for the establishing the IPS and may amend it from time to time with approval of the City's City Council. The IPS is intended to allow sufficient flexibility to address changes in capital market conditions and objectives of the Fund.

II. STATEMENT OF RESPONSIBILITIES

The following parties associated with the oversight of the Fund shall discharge their respective responsibilities in accordance with all applicable laws, regulations, and fiduciary standards, including: (1) acting in the sole interest of the Fund; (2) using the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and of like aims; and (3) diversifying the Fund's investments, taking into account risk of loss and opportunity for gain, changing market conditions, the Fund's liquidity needs, projected short- and long-term returns, and the overall objectives of the Fund. The responsibilities below are not meant to be exhaustive as each party is bound by the City of Springfield Code and/or the specific guidelines laid out in their respective service contracts.

A. Board of Trustees

1. Establish and periodically review this IPS to ensure compliance and appropriateness, and as necessary, making appropriate changes.
2. Review Fund objectives and approving strategic asset allocation ("SAA") target(s) and allowable ranges.
3. Establish appropriate benchmarks and review and monitor the performance of the Fund and investment strategies through analysis, written reports and periodic meetings.
4. Provide final approval for manager selections.
5. Select and monitor the performance of external service providers.
6. Establish ad-hoc committees, as needed, and monitor their activities.

B. Fund Administrator

1. Support the Board, with the assistance of the investment consultant, in the approval of the SAA.
2. Facilitate meetings between the Board and any external service providers.
3. Evaluate and manage the relationships with external service providers to the Fund to ensure that they are providing all the necessary assistance as set forth in their service contracts.
4. Assist internal parties in the administration of the Fund, as needed.

C. Investment Consultant

1. Assist the Board in the development and periodic review of the IPS, including providing consultative advice on the SAA and allowable ranges.
2. Conduct due diligence on Managers (as defined below) and make hiring and firing recommendations to the Board with respect to Managers.
3. Monitor the performance of the Fund and all Managers for compliance with this IPS.
4. Provide a written report of Fund performance, Fund activity and Fund fees to the Board at least quarterly.
5. Communicate matters of investment policy, asset allocation, and Manager selection and performance to the Board in a timely manner.
6. Provide the Board with investment education as needed.
7. Attend meetings of the Board quarterly and ad-hoc meetings as needed.

D. Investment Manager ("Manager")

1. Per 2-459(b) of City Code, the Board will ensure that each Manager is registered as investment advisors with the United States Securities and Exchange Commission.
2. Pursuant to 2-459 of the Code the Board may delegate investment decisions to investment managers, provided that any investments

made by the managers are consistent with and in accordance with the current IPS that has been approved by the Board and City Council.

3. Abide by the terms of any contract entered between the Board and the Manager.

E. Custodian

1. The City's Director of Finance shall be the treasurer and custodian of all money, securities, and other property of the Fund, subject to the control and direction of the Board. As prescribed by the Board, the Director shall keep separate books and complete accounts of the Fund.
2. The Director of Finance shall assist the Board in developing an investment policy statement and approve investments made pursuant to the IPS.
3. The Director of Finance shall recommend to the Board one or more third party custodian for the possession and custody of some or all of the retirement fund which is not in the possession and custody of any other investment or Manager.
4. Third party Custodians shall act in accordance with relevant custody agreements.

III. INVESTMENT OBJECTIVES AND RISK TOLERANCE

The Board is committed to: (1) preserving the capital of the Fund; (2) attaining an investment return that meets and/or exceeds the actuarial determined rate over the long-term; (3) maintaining sufficient diversification; and (4) complying with applicable law.

The Fund shall be managed in a prudent manner recognizing risk and return trade-offs. Accordingly, consistent with safety of principal over complete business/investment cycles, investments shall be chosen to maximize the return on invested assets based on the defined level of risk, which has been established based on an acceptable level of investment return volatility. The level of absolute risk is a result of the weights to asset classes as defined in Appendix A and the Managers selected to implement those mandates.

The Investment Objectives will be for the Fund, exclusive of contributions or withdrawals, to meet the actuarial determined rate over the long run and earn, through a combination of investment income and capital appreciation, a rate of return (time-weighted total return) that meets and/or exceeds the benchmarks established. Total percentage of overall Fund investments into the asset classes of Equities, Fixed Income, and Alternative Investments (as defined in Part V below) shall fall within the allowed ranges in Appendix A. Over the long-term, the Fund is expected to meet or exceed the Long-Term Strategic Asset Allocation, a custom index made up of the indices presented in Appendix B weighted by the corresponding Target Allocations. In the short to intermediate period, the Fund is expected to meet or exceed the Intermediate-Term Strategic Asset Allocation as presented in Appendix B.

Fund cash flows will be monitored on a regular basis by the Board and sufficient liquidity shall be maintained to fund benefit payments and other Fund expenses.

IV. STRATEGIC ASSET ALLOCATION AND REBALANCING

The Board retains ultimate responsibility and authority to establish the SAA and allowable ranges for the Fund. The SAA, reflected in Appendix B, is purposely set at a broad level with respect to the asset classes, to allow the Board, with the assistance of the Investment Consultant, to seek relative opportunities within each category. Asset classes and included categories are defined in the subsequent section.

The Board will revisit the SAA periodically to ensure appropriateness. The Board, with advice from the Investment Consultant and Managers, will be responsible for rebalancing the asset allocation periodically to remain within the allowable ranges. If market fluctuations cause the Fund's asset allocations to fall outside the ranges set forth on Appendix A or B, the Investment Consultant will notify the Board of the variance and make a recommendation to bring the assets back within policy ranges within a reasonable time. The Board acknowledges that given the less liquid nature of the alternative assets, such variances may occur naturally and may require a period for remedy. Furthermore, there is recognition that implementation of a new policy immediately is impossible especially for alternative assets, as such implementation grace periods are anticipated.

V. ASSET CLASS DEFINITIONS

A. **Equities** include publicly traded securities issued across all markets, including (but not limited to) the United States and other developed countries, as well as emerging and frontier countries. Sub-allocations may include country- or sector-specific strategies, as well as those identified by specific style or market capitalization factors. Allowable securities include common stocks, structured notes on market indices, convertible notes and bonds, convertible and non-convertible preferred stocks, American Depository Receipts (ADRS), and covered calls.

B. **Alternative Investments** generally includes, but is not limited to:

1. Hedge Funds – active management strategies that serve as a diversifier to traditional long-only investments (e.g., public equities and fixed income) as well as private markets investments (e.g., private equity and credit, etc.);
2. Private Markets –limited partnership interests in funds investing in the equity or debt structure of non-publicly traded companies. These interests are typically of an illiquid nature, requiring multi-year lock-ups of capital;

3. Real Assets includes publicly traded funds and/or limited partnership interests in funds investing in tangible and intangible hard assets (e.g., real estate, infrastructure, natural resources, commodities, etc.). This category is intended to include open-end as well as closed end strategies that may involve illiquidity and lock-ups similar to private-equity style investments.

C. **Fixed Income Assets**, and more specifically, core fixed income includes investment-grade domestic fixed income management style typified by the Bloomberg Barclays Aggregate Bond Index. Allowable securities include U.S. Government and agency securities, corporate notes and bonds, mortgage-backed securities, preferred stock, below investment grade, and debt issuances of foreign governments and corporations. Core plus fixed income management styles which allow for some tactical exposures to below investment grade, foreign, and/or varying durations. Return-seeking fixed income refers to specific exposures to foreign, high yield, related multi-asset fixed income strategies exhibiting potential volatility materially greater than the Core category. Investments in this segment may potentially be below investment-grade. Allowable securities include all those previously listed as well as specifically high yield, bank loans, foreign and emerging market debt denominated in both hard and local currencies, and structured credit. Cash & Equivalents, which includes Treasury bills, money market funds, commercial paper, bankers' acceptances and certificates of deposit, are also considered Fixed Income Assets.

VI. INVESTMENT GUIDELINES

Each Manager must have in place detailed investment guidelines appropriate to their mandate and role in this portfolio. The Board, with the assistance of the Investment Consultant, will be responsible for establishing guidelines for Managers of separately managed accounts.

A. Managers of commingled trusts, mutual funds, partnerships and commingled funds will be subject to the guidelines set forth in their prospectus or offering memorandum, which the Investment Consultant will evaluate in their selection and monitoring efforts to ensure appropriateness for the Fund.

When entering into agreements with Managers, the Board will endeavor to ensure that such contracts contain terms providing, generally, for the following:

B. Proxies: Each Manager shall have the sole and exclusive right, unless specifically directed by the Board with respect to a particular issue or holding, to vote any and all proxies solicited in connection with the securities held by the Fund under their management and shall vote proxies in a manner consistent with their

fiduciary responsibility in the best interest of the Fund and its participants and beneficiaries. Each Manager shall keep records with respect to its voting decisions and promptly submit a report summarizing votes cast to the Board and/or Investment Consultant when requested, if not otherwise periodically provided.

C. Trading and Execution: As fiduciaries, Managers shall have a duty of "best execution" to seek the most favorable terms reasonably available under the circumstances. Best execution is not necessarily the lowest possible commission cost, but rather the best qualitative execution, including commission rates, execution capability, financial responsibility and responsiveness to the Fund and Investment Consultant.

Allowances:

A. Investment vehicles allowed include mutual funds, ETFs, ETNs, commingled funds, limited partnerships, separate accounts, and such institutional vehicles of a related nature. Investment types within each vehicle may include individual stocks, sovereign and agency bonds and notes, corporate bonds, real estate, and commodities.

VII. PERFORMANCE MONITORING AND EVALUATION

A. Reporting: Quarterly performance reports will be provided to the Board by the Investment Consultant and will include investment performance of the total Fund as well as asset class components and Managers. The Fund will use this information to evaluate the extent to which investment results are consistent with the objectives, goals and guidelines set forth in this statement. Monthly performance reports may also be provided as preliminary assessments of investment returns for the total Fund as well as the investment strategies capable of providing monthly valuations.

B. Portfolio Benchmarks: The Policy Benchmarks provided in Appendix B are designed to track the SAA of Total Fund and may be revised periodically as/when the SAA is revised. To the extent any revisions to Appendix B will lead to investments to exceed the allowable ranges in Appendix A, then such changes will need to be approved by City Council before becoming effective.

C. Manager Benchmarks: The Board, with the assistance of the Investment Consultant, will establish appropriate benchmarks for each Manager according to their style and intended role in the portfolio. The Investment Consultant will be responsible for tracking Manager benchmark deviations relative to Policy Index and ensuring the tracking risk is appropriate and intended and will provide necessary attribution and education to the Board, as needed.

D. Monitoring:

1. The Investment Consultant has the responsibility to monitor the activities of all Managers. The Board will monitor external third-party service providers such as the Administrator and Board Secretary.
2. The Board and the Consultant have responsibility to monitor the overall risk of the Fund as well as the performance and risk taken by Managers. Additionally, the Investment Consultant shall monitor all Managers' personnel, strategy, research capabilities, organizational and business matters, and other qualitative factors that may impact their ability to achieve the desired investment results.
3. The Board has the authority to terminate a Manager for any reason including failure to adhere to their mandate or guidelines, unacceptable performance or risk exposures, significant qualitative changes, or simply a preference for a different Manager.

VIII. Adoption of Policy

This statement of investment policy, has been approved and executed by the Trustees on this _____ day of _____, 20__.

_____

_____
[City of Springfield Police Officers' and Fire Firefighters' Retirement System – President]

Appendix A: Policy Targets and Allowable Ranges

Asset Class	Policy Target Weight	Allowable Ranges
U.S. Equity Non-U.S. Equity		
Public Equity	**40%**	**30 – 50%**
Infrastructure Real Estate Private Credit Private Equity		
Alternative Investments	**14%**	**0 – 40%**
Multi-Asset Credit Core Fixed Income		
Public Fixed Income	**46%**	**20 – 60%**
Total Allocation	**100%**	

Appendix B: Strategic Targets & Benchmarks

Asset Class	Intermediate-Term Strategic Target Weight	Long-Term Strategic Target Weight	Long-Term Strategic Target Ranges	Benchmark
U.S. Equity	Adjusted Annually for Private Equity	24%	19 – 29%	Russell 3000 Index
Non-U.S. Equity		16%	11 – 21%	MSCI ACWI ex. U.S. Index (net)
Private Equity	Actual	0%	0 – 10%	MSCI All Country World Index (net)
Equity	**40%**	**40%**	**30 – 50%**	MSCI All Country World Index (net)
Infrastructure	Adjusted Annually for Private Real Estate	3.5%	0 – 10%	S&P Global Infrastructure Index
Real Estate	Actual	3.5%	0 – 10%	NCREIF ODCE Index
Real Assets	**7%**	**7%**	**0 – 17%**	
Multi-Asset Credit	Adjusted Annually for Private Credit	6%	0 – 11%	Custom Benchmark
Private Credit	Actual	7%	0 – 20%	Credit Suisse Leveraged Loans
Return-Seeking Credit	**13%**	**13%**	**0 – 20%**	
Core Fixed Income	40%	40%	20 – 60%	Bloomberg Barclays U.S. Aggregate Index
Risk-Reducing Fixed Income	**40%**	**40%**	**20 – 60%**	
Total Allocation	**100%**	**100%**		

The Board acknowledges that given the less liquid nature of the Fund's legacy alternative investments, implementation of the Long-Term Policy cannot be accomplished immediately. A portion of the Fund's legacy alternative investments are committed to private equity, private real estate and private credit. Because of the nature of these investments, the amount and timing of the cash flows in these asset classes cannot be controlled by the Board. Accordingly, at present time, the actual allocation to private equity, private real estate and private credit are above their respective long-term targets. To adjust for this, the excess in the target allocation

to private equity will be sourced from public equity (U.S. equity and non-U.S. equity), the excess in the target allocation to private real estate will be sourced from public infrastructure, and the excess in the target allocation to private credit will be sourced from multi-asset credit. Once the actual allocations for private equity, private real estate and private credit reach their long-term targets, the Total Fund benchmark will use the Long-Term Target Weight to each asset class.

EXPLANATION TO COUNCIL BILL 2024-017 (HORTON)

FILED: 01/04/2024

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 0.11 acres of property generally located at 1530 North Broadway Avenue from HC, Highway Commercial to R-TH, Residential Townhouse; and adopting an updated Official Zoning Map.(By: KDR Real Estate LLC; 1530 North Broadway Avenue; Z-32-2023).

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.11 acres of property generally located at 1530 North Broadway Avenue from HC, Highway Commercial to R-TH, Residential Townhouse. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:
ZONING CASE NUMBER Z-32-2023

The applicant is requesting to rezone approximately 0.11 acres of property generally located at 1530 North Broadway Avenue from HC, Highway Commercial to R-TH, Residential Townhouse.

The applicant intends to build a single-family home. Single-family homes are not a permitted use in the HC district.

REMARKS: The Planning and Zoning Commission held a public hearing on December 14, 2023, and recommended to approve, by a vote of 6 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 0.11 acres of property generally located at 1530 North Broadway Avenue from HC, Highway Commercial to R-TH, Residential Townhouse. The applicant intends to build a single-family home. Single-family homes are not a permitted use in the HC district.

2. The R-TH is more consistent with the Center City neighborhood placetype as identified in the Comprehensive Plan's Land Use & Development chapter. The Center City Neighborhoods are Springfield's oldest residential neighborhoods, dating to before

WWII. They are typically characterized by a diverse range of single-family homes with varying architectural styles, setbacks, compact and shared spaces, and parcel sizes. Center City neighborhoods historically had small scale neighborhood supporting retail services provided at key intersection, streetcar routes, and neighborhood centers. These building types and commercial uses were integrated into the neighborhood fabric. Most Center City Neighborhoods follow a gridded block pattern with alleys, tree-lined streets, and a well-connected sidewalk network that allows residents to walk to nearby neighborhood amenities.

3. This application is consistent with the center city neighborhood placetype which lists single-family detached dwellings as a primary use.

4. 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.

5. There are few known changing conditions in the area affected that make the proposed rezoning necessary.

6. The range of uses in the proposed R-TH district are compatible with the uses permitted on other property in the immediate vicinity. Although the surrounding properties have been zoned HC since 1995, this area has remained predominately for residential uses.

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, is not expected to 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: Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Center City neighborhood 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:

Jordan Paul, City Attorney	1/17/2024
Maurice S. Jones, Deputy City Manager	1/17/2024

Attachments:

1. Z-32-2023 1530 N. Broadway Avenue_ord
2. Z-32-2023_exhA
3. Z-32-2023_exhB
4. Z-32-2023_exhC

One-rdg. _____
P. Hrngs. ____X__
Pgs. _____19
Filed: _____01-16-24

Sponsored by: _____Horton_____

First Reading: _____ Second Reading: _____

COUNCIL BILL ____2024-017_____ GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.11 acres of property generally located at 1530 North Broadway Avenue from HC, Highway Commercial to R-TH, Residential Townhouse; and adopting an updated Official Zoning Map.

_____

WHEREAS, an application has been filed for a zoning change of the property generally located at 1530 North Broadway Avenue from HC, Highway Commercial to R-TH, Residential Townhouse; and

WHEREAS, following proper notice, the Planning and Zoning Commission held a public hearing on December 14, 2023, a copy of the Record of Proceedings from said public hearing being attached hereto and incorporated herein by this reference as "Exhibit B," and said Commission made its recommendation; 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 C"; 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 generally located at 1530 North Broadway Avenue and described in "Exhibit A," which is attached hereto and incorporated herein by this reference, is hereby rezoned from HC, Highway Commercial to R-TH, Residential Townhouse. 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 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 map and rules of interpretation.'

Section 3 – 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 4 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-32-2023

West 100 feet of Lot 60 Inwood Park Addition.

EXHIBIT B

RECORD OF PROCEEDING
ZONING CASE Z-32-2023

Z-32-2023
1530 North Broadway Avenue
Applicant: KDR Real Estate, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.11 acres of property from an HC, Highway Commercial District to an R-TH, Residential Town-House District.

Mr. Knuckles asked about it being zoned Highway Commercial and now going back to Residential Town-House District and was wondering why?

Mr. Hosmer noted that the current zoning would not allow R-TH and the Matrix is just a tool and hopefully this area can be reevaluated in the future.

Mr. Josh Reed, 1660 E. Kearney Street and here to answer any questions.

Natalie Broekhoven closed the public hearing.

Planning and Zoning Commission Board Member Knuckles moved to approve Z-32-2023 (1530 North Broadway Avenue). Planning and Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Pauly, Commissioner Scott, Commissioner Colony, Commissioner Knuckles. Nays: None. Absent: Helen Gunther, Christopher Lebeck, and Britton Jobe. Abstain: None.

Bob Hosmer, AICP
Planning Manager

Exhibit C

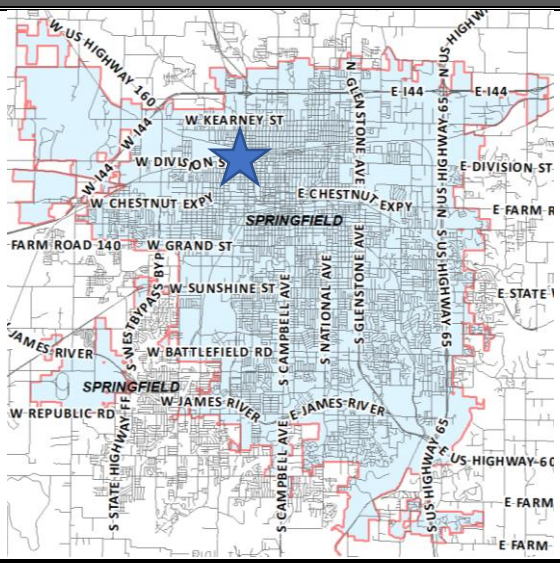
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-32-2023
Location:	1530 North Broadway Avenue
Total Acres:	0.11 acres
Applicant:	KDR Real Estate LLC
Existing Land Use:	Undeveloped land
Neighborhood Meeting:	November 22, 2023
Planning and Zoning Commission:	December 14, 2023
City Council:	January 22, 2024
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-32-2023 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

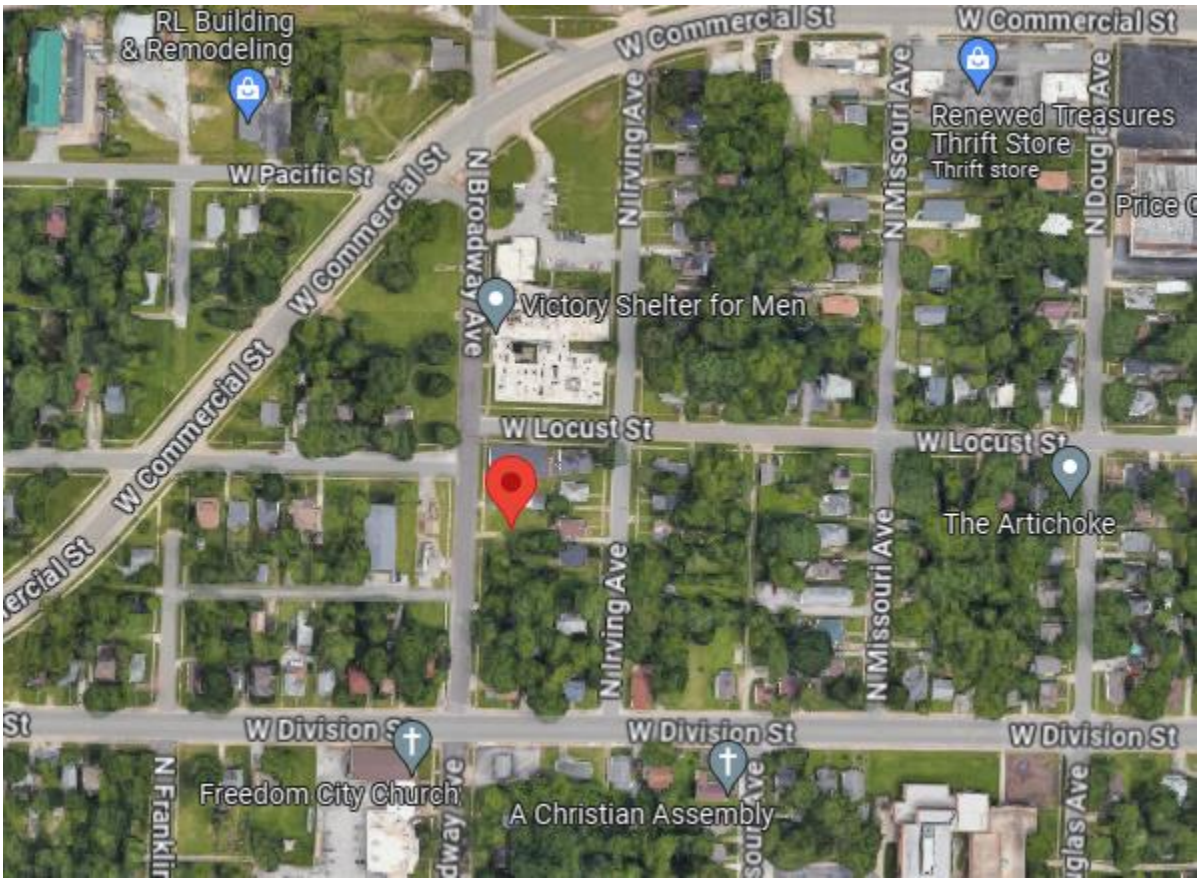
PROJECT SUMMARY:

Request to rezone approximately 0.11 acres of property generally located at 1530 North Broadway Avenue from HC, Highway Commercial to R-TH, Residential Townhouse.

LOCATION MAP	ZONING MAP
	

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 zoned HC in the 1995 city-wide remapping.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezonings. 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 R-TH
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.
Maximum 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.
Minimum Open Space	Not less than 20 percent
Buffering and Landscaping	None required for this site surrounded by HC zoning

DEVELOPMENT REVIEW STAFF REPORT

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Center City neighborhood placetype. Center City Neighborhoods are Springfield's oldest residential neighborhoods, dating to before WWII. They are typically characterized by a diverse range of single-family homes with varying architectural styles, setbacks, compact and shared spaces and parcel sizes. Center City neighborhoods historically had small scale neighborhood supporting retail services provided at key intersection, streetcar routes, and neighborhood centers. These building types and commercial uses were integrated into the neighborhood fabric. Most Center City Neighborhoods follow a gridded block pattern with alleys, tree-lined streets, and a well-connected sidewalk network that allows residents to walk to nearby neighborhood amenities. Due to their compact form and proximity to urban centers, these neighborhoods are places where residents should reasonably be able to walk, bike, or ride transit to meet some of their educational, employment, shopping, and recreational needs. Center City Neighborhoods are also integrated with key cultural and institutional uses, such as schools and places of worship that serve surrounding residents. Center City Neighborhoods consist of housing of varying conditions, age, affordability, and vacancies. Opportunities for infill development are pursued where appropriate, diversifying the housing stock. Much of the housing stock uses traditional stick-framed construction with lap siding or masonry veneer. Elevated porches with columns and stoops are focal points common to homes in these areas. Infill can include higher density residential development that should blend with the surrounding character. Vacant and underutilized properties are considered for new uses, such as pocket parks, community gardens, or small neighborhood commercial nodes as well as housing. The creation of neighborhood-scale commercial should focus on the incorporation of context sensitive designs and low intensity uses to ensure integration into the surrounding area. These low intensity uses could include dining, personal services, office, and essential goods. These nodes could be located along historic streetcar routes or higher classification roadways on the edges of the neighborhood. Priority is given to the pedestrian environment to foster a walkable neighborhood. Planning for Center City Neighborhoods should strive to improve infrastructure and support the building types and uses that make these neighborhoods more complete, diverse, and accessible to residents.

PRIMARY USES

- Single-family detached

SUPPORTING USES

- Single-family attached
- Low-intensity multifamily
- Low-intensity, neighborhood commercial
- Parks, greenways, and open space
- Public and private schools and places of worship
- Low-intensity urban agriculture

CHARACTERISTICS TRANSPORTATION & INFRASTRUCTURE

- Traffic-calming measures, such as speed-humps, bump-outs, roundabouts, landscaped chicanes with integrated stormwater management, and on-street parking are used to slow traffic.
- Best management practices for stormwater management are required in development projects and within public rights-of-way, such as permeable paving, rain gardens, green roofs, native landscaping, and other low impact design strategies.
- Sidewalk gaps are filled, and sidewalks connect to transit routes, greenways and trails, and supportive uses are located within the neighborhood and around the perimeter.
- Alleys provide pedestrian connections, alternative access to rear yards, detached garages, and other approved accessory uses.
- Sense of place and identity is enhanced through neighborhood organization efforts, preservation and planting trees, neighborhood identification signs, and traffic calming improvements that double as streetscape elements.
- As technology, trends, and funds permit, utilities are buried or are consolidated along rear property lines, reducing conflicts with street trees, pedestrian infrastructure, and viewsheds.
- Major entrances into neighborhoods are marked by identification signs and landscaping.

URBAN DESIGN - BUILDING AND SITE TYPOLOGY

Urban design characteristics that apply to both Center City and Traditional Neighborhoods include:

- The main entrances of new residential developments are oriented towards the primary street.
- Preservation and adaptive reuse of neighborhood schools and surplus buildings are encouraged.
- When appropriate, adaptive reuse of residential structures for low-intensity, neighborhood-scale nonresidential uses, including missing middle housing types, is encouraged at neighborhood nodes and along edges.
- Accommodations are made to allow expanded home occupations, without detracting from the character of the neighborhood, being conscious of changing trends and advances in technologies.
- New and infill buildings maintain the proportions and architectural features common in the existing block.
- When commercial buildings are located within or adjacent to the neighborhood, they are oriented to the street, focus on pedestrian-scale, and provide limited vehicle parking.

Urban design characteristics unique to Center City Neighborhood character area include:

- Residential subdivisions are designed and platted in more conventional layouts with shorter blocks.

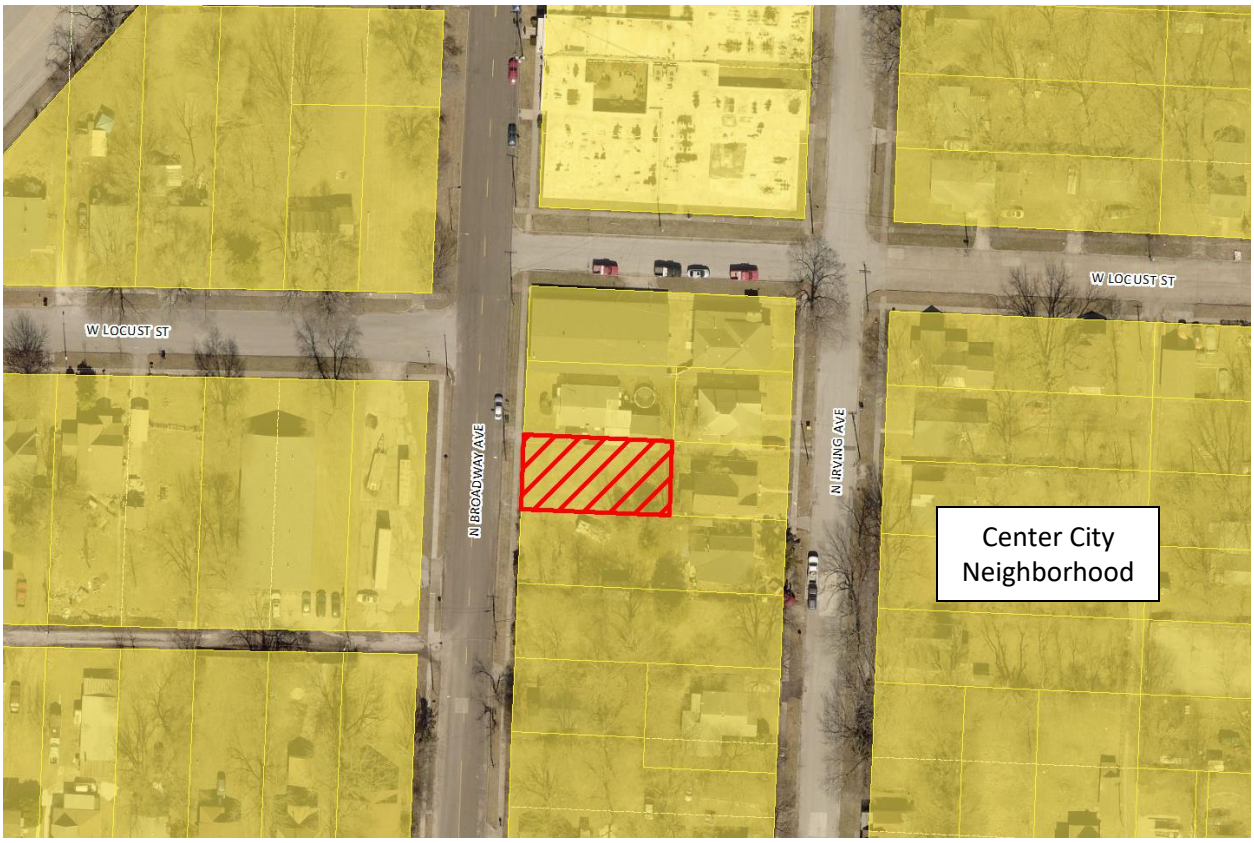
- Lots have a variety of widths, depths, and setbacks creating unique identity from neighborhood to neighborhood.
- While not as common, attached and detached garages provide limited parking options and create a greater demand for on-street parking.
- Garages reflect the architectural style and scale of the primary buildings and are often setback well behind the front facade.
- Driveways are often accessed from the rear alley and are shared or absent in exchange for sidewalks to the front door or porch, which provides increased on-street parking opportunities.
- Properties and neighborhoods eligible for local historic designation are continually identified and preserved.
- Key corridors that offer transit and other multimodal, trail, or greenway connections can be enhanced with increased housing and neighborhood scale services, shops, and dining.
- Low-impact, neighborhood-scale commercial uses should be considered at locations where community facilities and amenities or other informal neighborhood hubs already exist, at former streetcar stops, along the edges of the neighborhood or at other significant neighborhood destinations.
- Neighborhood parks, community centers, greenway or trailheads, museums, gardens, schools, and churches can serve as anchors for neighborhood commercial hubs.

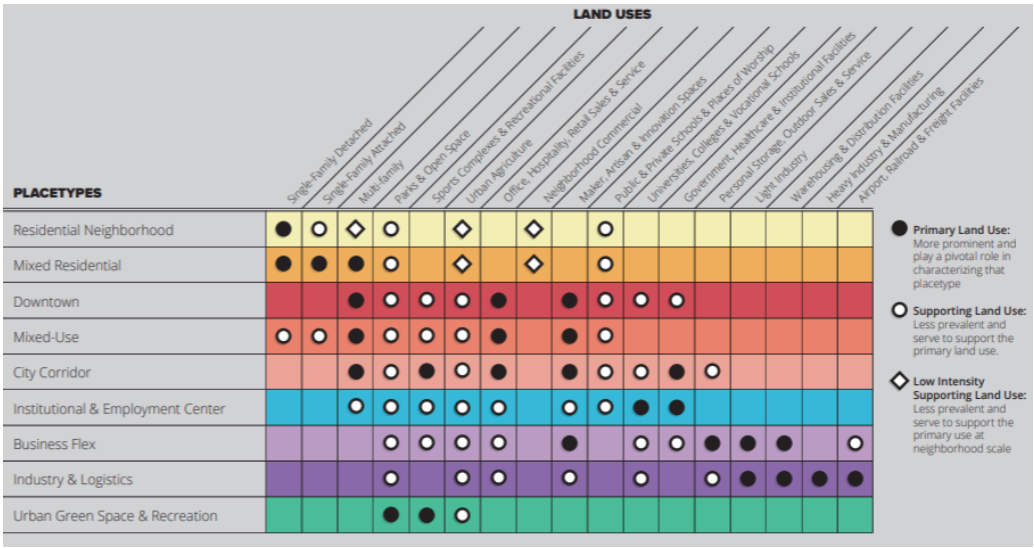
Transitions:

- A “stepped down” approach is used to transition from higher density/intensity residential and non-residential uses to single-family residential homes and uses, with greater densities/intensities located on higher functioning roadways, at the periphery of the neighborhood.
- Lower density residential uses are sufficiently screened and buffered between higher density housing and nonresidential uses.
- The design of higher density residential uses integrated into the Residential Neighborhood Placetype should complement the scale and character of the surrounding neighborhood. Attention should be given to building height, orientation, architectural style, and setback to ensure the existing neighborhood character is retained.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:





DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:

SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	HC	HC	HC	HC
LAND USE	Single-family residence	Single-family residence	Single-family residence	Commercial, vacant land
PLACETYPES	Center City neighborhood	Center City neighborhood	Center City neighborhood	Center City neighborhood

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues. Tract has access to public sewer.

FIRE DEPARTMENT:

No objections to rezoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	N. Broadway Avenue	Collector	City	30	30	NA	Yes	Yes	Yes

ACCESS - There is currently one driveway access point onto the property from N. Broadway Avenue. All new or modified driveway approaches shall comply with current City of Springfield standards for the street classification.

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There are no Greenway Trails near the property. There is one bus stop along N. Broadway Avenue near the property.

IMPROVEMENTS - No improvements are required for this rezoning. A traffic study is not required for this rezoning.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN
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 or other Karst feature at this location. The property **does not have a stream buffer on site.**
A fee in lieu of on-site stormwater detention **will be dependent on further analysis of the surrounding stormwater infrastructure and downstream impacts**

PW Stormwater has no concerns for the proposed rezoning from HC to R-TH. The submitted application does not have a site plan, but no mention of future development is made. Please note that development of the property will be subject to the following conditions at the time of development:

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

DETENTION AND DISCHARGE 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. The only exception to building detention is a Fee in Lieu of detention application per the City of Springfield Code and the manual dependent on approvable by the Director of Public Works.

WATER QUALITY REQUIREMENTS
N/A

FLOODPLAIN
N/A

NATURAL CHANNEL & STREAM BUFFERS
N/A

SINKHOLES & KARST FEATURES
N/A

ADDITIONAL STORMWATER REQUIREMENTS
1. Operation and maintenance agreements are required for any permanent stormwater control measures.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 0.11 acres of property generally located at 1530 North Broadway Avenue from HC, Highway Commercial to R-TH, Residential Townhouse. The applicant intends to build a single-family home. Single-family homes are not a permitted use in the HC district.

2. The R-TH is more consistent with the Center City neighborhood placetype *as* identified in the *Comprehensive Plan's Land Use & Development* chapter. The Center City Neighborhoods are Springfield's oldest residential neighborhoods, dating to before WWII. They are typically characterized by a diverse range of single-family homes with varying architectural styles, setbacks, compact and shared spaces and parcel sizes. Center City neighborhoods historically had small scale neighborhood supporting retail services provided at key intersection, streetcar routes, and neighborhood centers. These building types and commercial uses were integrated into the neighborhood fabric. Most Center City Neighborhoods follow a gridded block pattern with alleys, tree-lined streets, and a well-connected sidewalk network that allows residents to walk to nearby neighborhood amenities.

3. This application is consistent with the center city neighborhood placetype which lists single-family detached dwellings as a primary use.

4. 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.

5. There are few known changing conditions in the area affected that make the proposed rezoning necessary.

6. The range of uses in the proposed R-TH district are compatible with the uses permitted on other property in the immediate vicinity. Although the surrounding properties have been zoned HC since 1995, this area has remained predominately residential uses.

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, is not expected to 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 Center City 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.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Highway Commercial (existing zoning) Residential Townhouse (proposed zoning)
2. Meeting Date & Time: November 22, 2023 4:00 to 6:00
3. Meeting Location: 1610 E Kearney Street, Springfield MO 65803
4. Number of invitations that were sent: 125
5. How the mailing list was generated: Labels from Planning & Zoning
6. Number of neighbors in attendance (attach a sign-in sheet): 2
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).

Questions were regarding the intended use of the property

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

Explained the intent was to build a rental property

I, Joshua Reed (*print name*), attest that the neighborhood meeting was held on 11/22/2023 (*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

Joshua Reed, Manager

Printed name of person completing affidavit

KDR Real Estate, LLC

EXPLANATION TO COUNCIL BILL 2024-018 (JENSON)

FILED: 01/04/2024

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 1.26 acres of property generally located at 221, 225, and 227 East Sunshine Street from O-1, Office District to GR, General Retail with Conditional Overlay District No. 245, and adopting an updated Official Zoning Map. (By: Sanders Prop LLC; 221, 225, and 227 East Sunshine Street; Z-33-2023 w/Conditional Overlay District No. 245).

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.26 acres of property generally located at 221, 225, and 227 East Sunshine Street from O-1, Office District to GR, General Retail with Conditional Overlay District No. 245. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:
ZONING CASE NUMBER Z-33-2023/ CONDITIONAL OVERLAY DISTRICT NO. 245

The applicant is requesting to rezone approximately 1.26 acres of property generally located at 221, 225 and 227 East Sunshine Street from O-1, Office District to GR, General Retail with Conditional Overlay District No. 245.

REMARKS: The Planning and Zoning Commission held a public hearing on December 14, 2023, and recommended to approve, by a vote of 5 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 to rezone approximately 1.26 acres of property generally located at 221, 225 and 227 East Sunshine Street from O-1, Office District to GR, General Retail with Conditional Overlay District No. 245.

2. This application is consistent with the City Corridor placetype which predominantly consists of commercial and service-related development varying in scale, ranging from standalone businesses to large retail centers. City Corridors are also key locations to support and encourage multi-family developments that rely on proximity to retail, commercial services, and employment centers. Each of these use groups are best

located along major roadways with high volumes of traffic. This placetype is not only highly accessible by car, but also by walking, biking, and transit.

3. The subject property is located near the Sunshine and Campbell intersection. These areas are intended to be locations of business and high-end housing development and that development be concentrated in and around activity centers so as to optimize transportation investments and compact growth pattern.

4. The proposed COD will require the installation of perimeter and interior landscaping for any change of use, building permit or subdivision of the property, which is intended to further the goals of the Comprehensive Plan recommendation to actively enhance landscaping in the City Corridor placetype.

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 changing conditions in the area affected that make the proposed rezoning necessary. New redevelopment of property within the vicinity has been occurring.

7. The range of uses in the proposed GR district is compatible with the uses permitted on other property in the immediate vicinity.

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.

9. The impact of the uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic, or reduce traffic safety in the vicinity.

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.

STAFF RECOMMENDATION: Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's City Corridor 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 1/10/2024

Attachments:

1. Z-33-2023 COD 245-221, 225, and 227 E. Sunshine St. (1)
2. Z-33-2023 COD 245_exh A
3. Z-33-2023 COD 245_exhB
4. Z-33-2023 COD 245_exhC
5. Z-33-2023 COD 245_exhD

One-rdg. _____
P. Hrngs. ___X_____
Pgs. _____23_____
Filed: ____01-16-24_____

Sponsored by: _____Jenson_____

First Reading: _____ Second Reading: _____

COUNCIL BILL ____2024-018_____ GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.26 acres of property generally located at 221, 225, and 227 East Sunshine Street from O-1, Office District to GR, General Retail with Conditional Overlay District No. 245; and adopting an updated Official Zoning Map.

WHEREAS, an application has been filed for a zoning change of the property generally located at 221, 225, and 227 East Sunshine Street from O-1, Office District to GR, General Retail with Conditional Overlay District No. 245; and

WHEREAS, Conditional Overlay District No. 245 shall modify the requirements of the Springfield Land Development Code Section 36-421, General Retail District, by requiring that the property described in "Exhibit B" comply with the requirements described in "Exhibit A"; and

WHEREAS, following proper notice, the Planning and Zoning Commission held a public hearing on December 14, 2023, a copy of the Record of Proceedings from said public hearing being attached hereto and incorporated herein by this reference as "Exhibit C," and said Commission made its recommendation; 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 O-1, Office District to GR, General Retail with Conditional Overlay District No. 245. 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. 245, 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. 245 shall modify the requirements of the Springfield Land Development Code Section 36-421, General Retail 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 map 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

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS NO. 245

The requirements of Section 36-421 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. Perimeter landscaping shall be provided along Sunshine Street for any change of use, building permit or subdivision of the property. The plantings within the perimeter landscape area shall consist of at least one canopy tree, one understory, ornamental, or evergreen tree and four shrubs per 100 linear feet of street frontage as required in Sec. 36-482 the Zoning Ordinance.

2. Interior landscaping as required in Sec. 36-482 of the Zoning Ordinance shall be provided for any change of use, building permit or subdivision of the property.

3. If an existing building or structure that currently does not conform to the current bufferyard requirements is demolished, then the standard bufferyard shall be provided according to the bufferyard requirements in Sec. 36-482 of the Zoning Ordinance.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-33-2023 COD No. 245

BEGINNING 53 POLES AND 4 LINKS EAST OF THE SOUTHWEST CORNER OF SECTION TWENTY-FIVE (25), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22), THENCE NORTH 44.4 FT. TO THE NORTH LINE OF SUNSHINE STREET FOR A SECOND BEGINNING, THENCE WEST 55 FT. THENCE NORTH 189 FT, THENCE EAST 55 FT. THENCE SOUTH 189 FT. TO THE BEGINNING, IN SPRINGFIELD, GREENE COUNTY, MISSOURI.
ALSO BEGINNING ON THE NORTH LINE OF SUNSHINE STREET AT A POINT 887.14 FT, EAST AND 40.4 FT. NORTH OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 25, TOWNSHIP 29, RANGE 22, THENCE EAST ALONG THE NORTH LINE OF SUNSHINE STREET 135.75 FT., TO IRON PIN, THENCE NORTH ON AN INTERIOR ANGLE 90°37’ 338.9 FT., TO AN IRON PIN, THENCE WEST 134.55 FT., TO THE EAST LINE OF PAUL O. JOHNSON SECOND SUBDIVISION, THENCE SOUTH 337.9 FT., TO POINT OF BEFINNING, ALL IN THE CITY OF SPIRNGIFELD, GREENE COUNTY, MISSOURI.
SUBJECT TO EASEMENTS OF RECORD, AND RESTRICTIONS OF RECORD, IF ANY.
ALL OF LOT FOUR (4) SOUTHWAY CENTER FIRST ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

EXHIBIT C

RECORD OF PROCEEDING
ZONING CASE Z-33-2023 COD No. 245

Z-33-2023 COD 245
221, 225 & 227 East Sunshine Street
Applicant: Sanders Property, LLC

Mr. Neal stated that this is a request to rezone approximately 1.26 acres of property from O1, Office District to GR, General Retail with Conditional Overlay District 245.

Caleb Freeman, 1501 W. Meadowmere and looking to rezone from Office District to General Retail and here to answer any questions.

Natalie Broekhoven closed the public hearing.

Mr. Pauly noted that the area is a good location, but already has a lot of development and wants something else developed there, but not sure about another retail development.

Planning and Zoning Commission Board Member Knuckles moved to approve Z-33-2023 COD 245 (221, 225 & 227 East Sunshine Street) and Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Scott, Commissioner Colony, Commissioner Knuckles. Nays: Commissioner Pauly. Absent: Helen Gunther, Christopher Lebeck, and Britton Jobe. Abstain: None.

Bob Hosmer, AICP
Planning Manager

Exhibit D

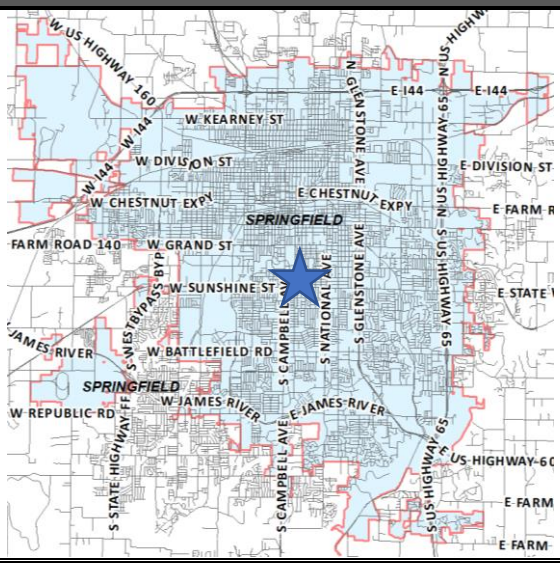
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-33-2023 with Conditional Overlay District No. 245
Location:	221, 225 & 227 East Sunshine Street
Total Acres:	1.26 acres
Applicant:	Sanders Prop LLC
Existing Land Use:	Undeveloped land
Neighborhood Meeting:	November 16, 2023
Planning and Zoning Commission:	December 14, 2023
City Council:	January 22, 2024
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-33-2023 with Conditional Overlay District No. 245 as set forth in Attachment 1 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

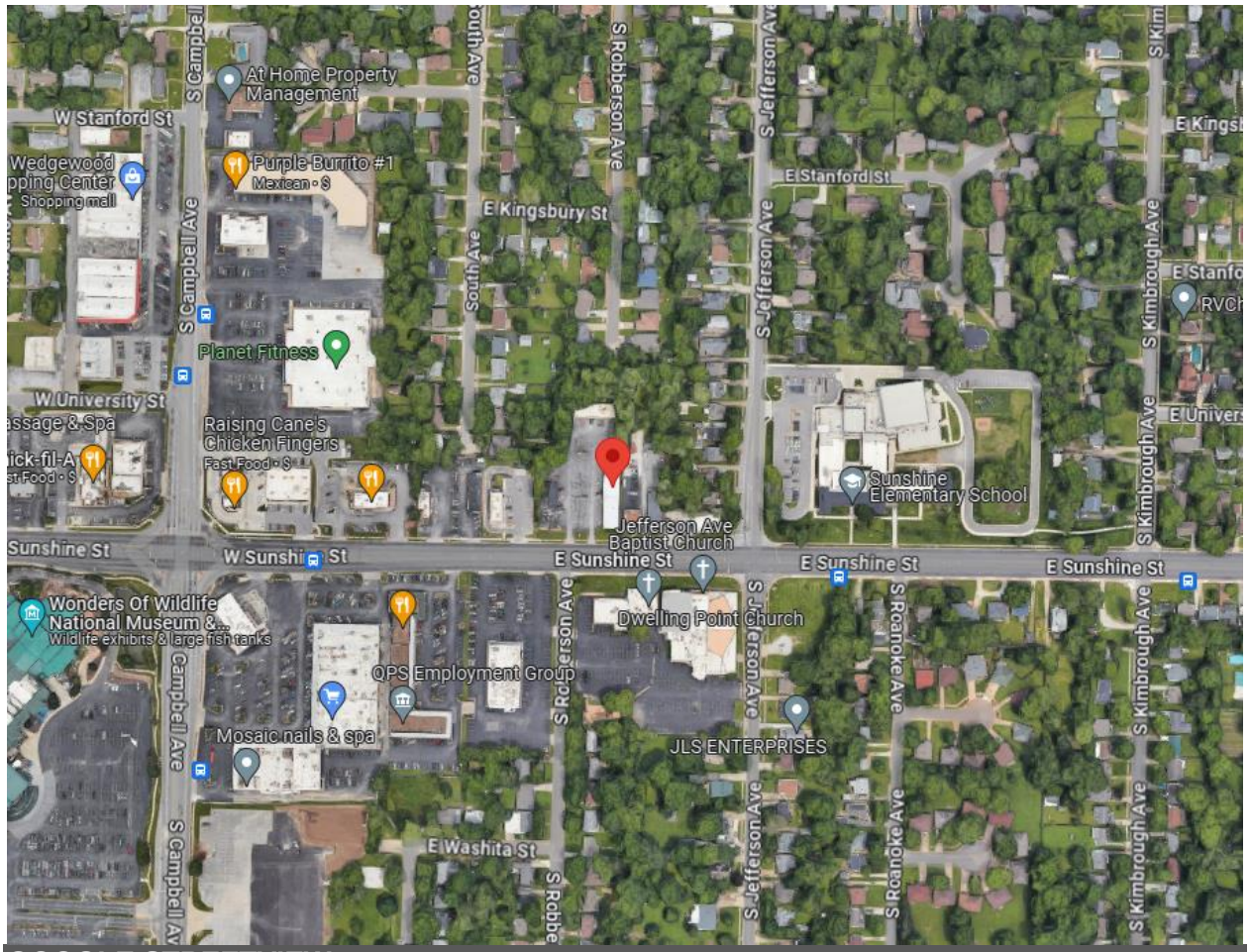
PROJECT SUMMARY:

Request to rezone approximately 1.26 acres of property generally located at 221, 225 and 227 East Sunshine Street from O-1, Office District to GR, General Retail with Conditional Overlay District No. 245.

LOCATION MAP	ZONING MAP
	

DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE STREETVIEW:

DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property was zoned O-1 in the 1995 city-wide remapping.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezonings. 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 GR 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.
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 neighbors, a Bufferyard Type F will be required along the north and west property line where adjacent to property zoned R-SF, Single-Family Residential District.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property within the City Corridor placetype.

The City Corridor placetype predominantly consists of commercial and service-related development varying in scale, ranging from standalone businesses to large retail centers. City Corridors are also key locations to support and encourage multi-family developments that rely on proximity to retail, commercial services, and employment centers. Each of these use groups are best located along major roadways with high volumes of traffic. This placetype is not only highly accessible by car, but also by walking, biking, and transit. City Corridors provide a wide range of shopping, service, entertainment, and employment destinations for both residents and visitors. Common uses within the placetype include chain restaurants, gas stations, hotels, national retailers, movie theaters, smaller offices, and a variety of support services.

Primary Land Uses:

- Office, hospitality, retail sales and service
- Multi-family
- Sports complexes and recreation facilities
- Maker, artisan, and innovation spaces

Supporting Land Uses:

- Public and private schools and places of worship

- Parks, greenways, and open space
- Urban agriculture
- Universities, colleges, and vocational schools
- Personal and outdoor storage

Characteristics

TRANSPORTATION & INFRASTRUCTURE

- Access management is improved for vehicles through curb cut consolidation and cross-access between commercial properties, reducing traffic conflicts and backups.
- Electric vehicle charging facilities, pedestrian and bicycle infrastructure, and automated vehicle parking and loading spaces are integrated along major corridors, installed at key destinations, and incorporated into private development plans.
- As technology, trends, and funds permit, utilities are buried or consolidated along rear property lines, reducing conflicts with street trees, pedestrian infrastructure, and viewsheds.
- Transit service is expanded along key commercial corridors over the long term with bus stops enhanced with shelters and live timetables.

URBAN DESIGN - BUILDING AND SITE TYPOLOGY:

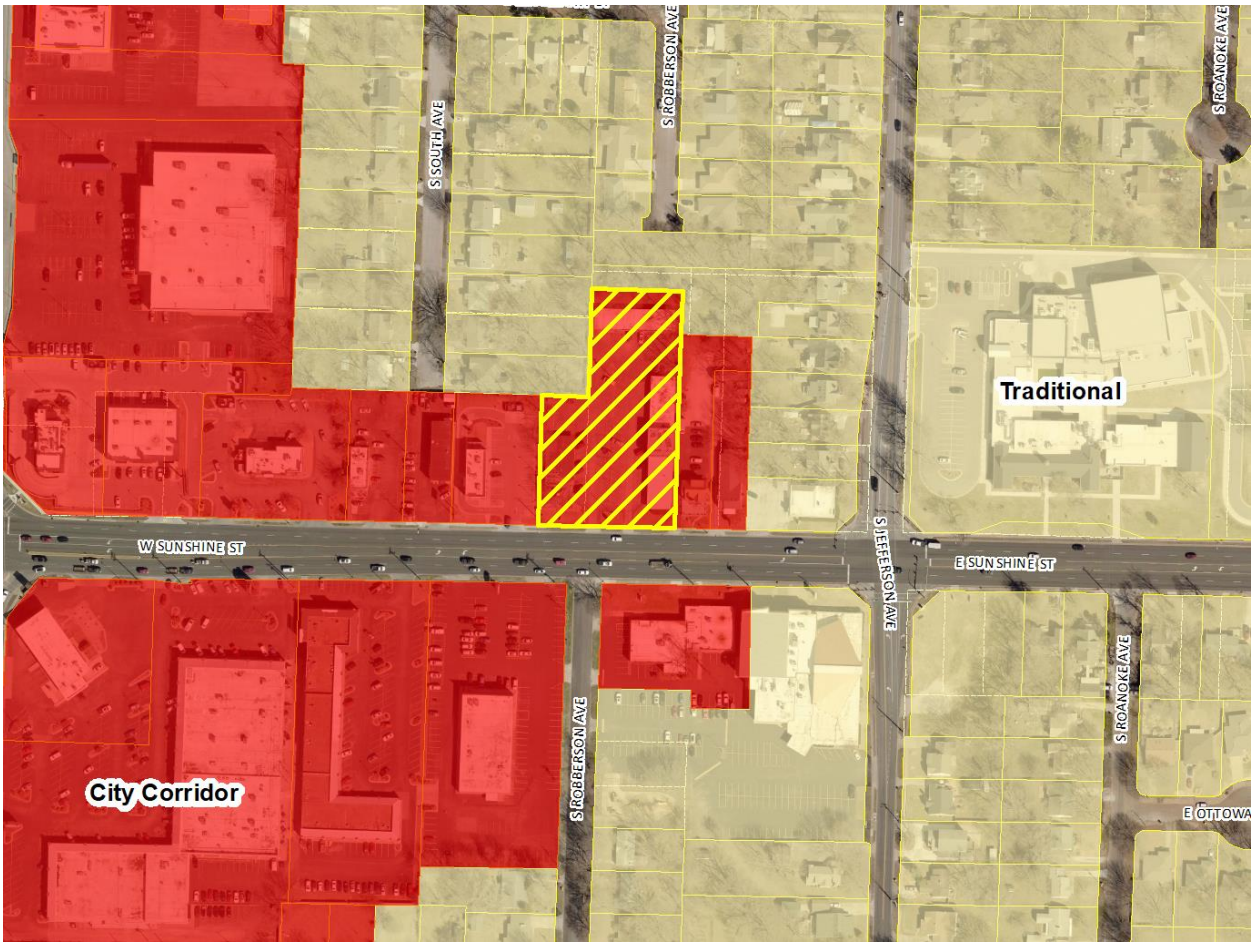
- Residential development and commercial buildings should be oriented to the street.
- Parking should be located behind or beside the primary buildings with abundant landscaping and screening to encourage greater interest and interaction between the adjoining street and the building, that contributes to community-wide quality of place.
- Pedestrian pathways within large parking lots provide safe access to business entrances.
- A greater focus on site design, parking access, massing, and building orientation are adopted to ensure development that is complementary to adjacent lower density residential development.
- Multi-story buildings designed with active ground floor spaces should be visible and inviting to increase a vibrant pedestrian environment.
- Use of quality materials, construction methods, workmanship, and design should be incorporated into new development and redevelopment.
- A mix of building heights is supported through structured site and building design strategies to soften the impact on adjacent lower intensity residential development.
- Lighting, landscaping, signage, mail, and delivery accommodations should also be proactively incorporated into the site design.
- Design should avoid the placement of mechanical equipment along major roadways or should be completely screened, along with adequate spacing for storage of waste receptacles.
- Best management practices for stormwater management are required in development projects and within public rights-of-way, such as permeable paving, rain gardens, green roofs, native landscaping, and other low impact design strategies.
- Encourage code adjustments regarding parking minimums instead of parking maximums.

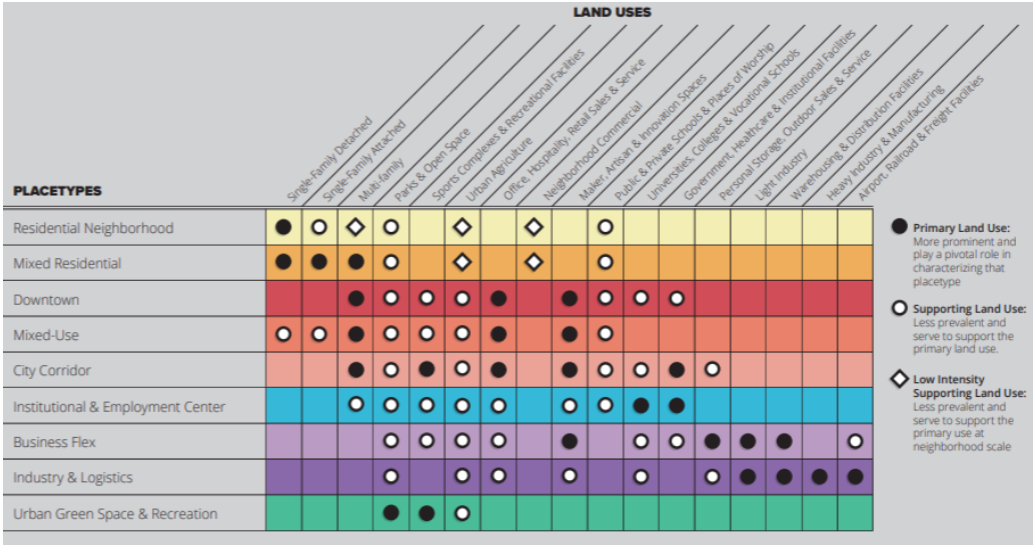
TRANSITIONS:

- Office and multifamily uses can be placed on the periphery of the placetype to transition into adjacent lower density residential Placetypes.
- Higher density residential development should be integrated along existing commercial corridors in need of reinvestment, transitioning aging commercial properties to new uses and focusing future commercial development at high activity nodes.
- Commercial and higher density residential is sufficiently screened and buffered between low-density residential development.
- Multi-story buildings should be sited and designed to reduce the impact on adjacent lower intensity residential development.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:





DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:

SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	GR, O-1	O-1, R-SF	GR, R-SF
LAND USE	Single-family residence	Commercial uses	Office uses, Single-family residence	Restaurant
PLACETYPES	Traditional neighborhood	City Corridor	City Corridor, Traditional neighborhood	City Corridor, Traditional neighborhood

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues. Tract has access to public sewer.

FIRE DEPARTMENT:

No objections to rezoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

TRAFFIC REPORT

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	E. Sunshine Street	Primary Arterial	City	50	40	NA	No	Yes	Yes

ACCESS - There are currently two driveway access points onto the property from E. Sunshine Street. All new or modified driveway approaches shall comply with current City of Springfield standards for the street classification.

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There are no Greenway Trails near the property. There is one bus stop along E. Sunshine Street near the property.

IMPROVEMENTS - No improvements are required for this rezoning. A traffic study is not required for this rezoning.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN
227 E Sunshine St is an existing heavily impervious area site. Approximately 95% of the 1.26-acre site is parking or building. No existing detention or water quality Stormwater Control Measures are present. 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 or other Karst feature at this location. The property **does not have a stream buffer on site.**
A fee in lieu of on-site stormwater detention **is not applicable because the site is built out.**

PW Stormwater has no concerns for the proposed rezoning from O1 to GR. Please note that development of the property will be subject to the following conditions at the time of development:

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

DETENTION AND DISCHARGE REQUIREMENTS

1. The site is approximately 95% impervious area. Any redevelopment of the area will be over impervious area not requiring detention volume requirements. The site is the top-of-hill for the surrounding drainage with discharge draining to E Sunshine St.

WATER QUALITY REQUIREMENTS

1. Water Quality is required if greater than 1 acre is disturbed at time of development.

2. 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.

FLOODPLAIN

N/A

NATURAL CHANNEL & STREAM BUFFERS

N/A

SINKHOLES & KARST FEATURES

N/A

ADDITIONAL STORMWATER REQUIREMENTS

N/A

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 1.26 acres of property generally located at 221, 225 and 227 East Sunshine Street from O-1, Office District to GR, General Retail with Conditional Overlay District No. 245.

2. This application is consistent with the City Corridor placetype which predominantly consists of commercial and service-related development varying in scale, ranging from standalone businesses to large retail centers. City Corridors are also key locations to support and encourage multi-family developments that rely on proximity to retail, commercial services, and employment centers. Each of these use groups are best located along major roadways with high volumes of traffic. This placetype is not only highly accessible by car, but also by walking, biking, and transit.

3. The subject property is located near the Sunshine and Campbell intersection. These areas are intended to be locations of business and high-end housing development and that development be concentrated in and around activity centers so as to optimize transportation investments and compact growth pattern.

4. The proposed COD will require the installation of perimeter and interior landscaping for any change of use, building permit or subdivision of the property which is intended to further the goals of the Comprehensive Plan recommendation to actively enhance landscaping in the City Corridor placetype.

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 changing conditions in the area affected that make the proposed rezoning necessary. New redevelopment of property within the vicinity has been occurring.

7. The range of uses in the proposed GR district is compatible with the uses permitted on other property in the immediate vicinity.

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.

9. The impact of the uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.

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.

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's City Corridor 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.

ATTACHMENT 1

CONDITIONAL OVERLAY DISTRICT PROVISIONS NO. 245

The requirements of Section 36-421 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. Perimeter landscaping shall be provided along Sunshine Street for any change of use, building permit or subdivision of the property. The plantings within the perimeter landscape area shall consist of at least one canopy tree, one understory, ornamental, or evergreen tree and four shrubs per 100 linear feet of street frontage as required in Sec. 36-482 the Zoning Ordinance.

2. Interior landscaping as required in Sec. 36-482 of the Zoning Ordinance shall be provided for any change of use, building permit or subdivision of the property.

3. If an existing building or structure that currently does not conform to the current bufferyard requirements is demolished, then the standard bufferyard shall be provided according to the bufferyard requirements in Sec. 36-482 of the Zoning Ordinance.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Office to General Retail
   (existing zoning) *(proposed zoning)*
2. Meeting Date & Time: November 16, 2023 @ 4:00pm-6:30pm
3. Meeting Location: 1500 S Campbell Ave, Springfield, MO 65807
4. Number of invitations that were sent: 186
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).

   See attached

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

   None

I, Jared Davis (*print name)*, attest that the neighborhood meeting was held on 11/16/2023 (*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 M. Davis
Printed name of person completing affidavit

Verbal Comments from attendees:

Increased traffic concerns – Anne Griffin

GR allows by right drive thru restaurant and that block does not need another one creating more cross traffic on Sunshine – Bruce Adib-Yazdi

EXPLANATION TO COUNCIL BILL 2024-019 (SIMPSON, HORTON)

FILED: 01/05/2024

ORIGINATING DEPARTMENT: Law

TITLE: A general ordinance amending the Springfield City Code, Chapter 78, Offenses and Miscellaneous Provisions, Article I, In General, by adding a new Section 78-10, Monetary Prizes.

PURPOSE: To amend the Springfield City Code, Chapter 78, Offenses and Miscellaneous Provisions, Article I, In General, by adding a new Section 78-10, Monetary Prizes.

BACKGROUND INFORMATION: This Ordinance is brought forward at the request of the sponsors in response to concerns raised by the City Council concerning the proliferation of entertainment devices operating within the City that offer monetary prizes to players.

The restrictions contained in this Ordinance relate to the format of prizes offered to players of entertainment devices, regardless of the rules of play. It would prohibit the operation of any entertainment device which offers any monetary prize, which is defined as any prize in the form of cash, check, bank transfer, negotiable instrument, store credit, gift card, or any ticket or other item that is redeemable for cash, check, bank transfer, negotiable instrument, store credit, or gift card.

Based on the potential profit incentive of operating such machines, minimum penalties are also established. Each device maintained or offered would constitute a separate offense, and for a first offense, a violator would be subject to a minimum fine of $500. For a second offense, a violator would be subject to a fine of $1000, and for a third offense, a violator would be subject to a $1000 fine and a minimum of 30 days in jail. The Court would not have the ability to suspend the minimum sentences.

Submitted By:

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Jason Gage, City Manager 1/10/2024

Attachments: 1. Monetary Prize _ Ord

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 01-16-24

Sponsored by: Simpson, Horton

First Reading: _____ Second Reading: _____

COUNCIL BILL 2024-019 GENERAL ORDINANCE_____

AN ORDINANCE

AMENDING the Springfield City Code, Chapter 78, Offenses and Miscellaneous Provisions, Article I, In General, by adding a new Section 78-10, Monetary Prizes.

_____

WHEREAS,City Council finds that unregulated entertainment devices offering monetary prizes to players are proliferating within the City; and

WHEREAS, City Council finds that entertainment devices offering monetary prizes can result in detrimental impacts to the neighborhoods in which they are located; and

WHEREAS,City Council finds that entertainment devices offering monetary prizes can result in detrimental impacts to the players of such devices, including financial hardships and increased reliance on public assistance; and

WHEREAS, City Council finds that the regulation of entertainment devices that offer monetary prizes is necessary for the protection of the public health, safety, and welfare.

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

(NOTE: Underlined language is to be added. Language to be removed is stricken.)

Section 1 – The City Council hereby amends the Springfield City Code, Chapter 78, Offenses and Miscellaneous Provisions, Article I, In General, by adding a new Section 78-10, Monetary Prizes, which section and subsections shall read as follows:

Sec. 78-10. – Monetary Prizes

a. No person shall maintain or offer for use by any person any entertainment device that offers a monetary prize to any person regardless of the frequency with which

a monetary prize is conferred or the odds of any individual user realizing a monetary prize.

b. For purposes of this section, the term “entertainment device” shall mean any device which operates for the entertainment or amusement of the operator, whether or not manipulated by the operator. The term “entertainment device” includes, but is not limited to, any video game or electronic game, regardless of the rules of play. The term “entertainment device” does not include any gambling device which is prohibited by state law or any device which is necessary to participate in any activity which is authorized by Chapter 313 of the Missouri Revised Statutes.

c. For purposes of this section, the term “monetary prize” means any prize in the form of cash, check, bank transfer, negotiable instrument, store credit, gift card or any ticket or other item that is redeemable for cash, check, bank transfer, negotiable instrument, store credit or gift card.

d. Penalties

(1) Any violation of this section shall be punishable by a fine of not more than $1,000 or by imprisonment in jail for a period not exceeding 180 days, or both such fine and imprisonment. The Court shall not suspend imposition of sentence for any violation of this section.

(2) Each entertainment device maintained or offered for use in violation of this section shall constitute a separate offense. Where an individual is convicted of multiple violations of this section, the sentence for each violation must run consecutive to any other sentence for any separate violation of this section.

(3) Any person found guilty of a violation of this section shall be sentenced to a minimum fine of $500.

(4) Any person found guilty of a violation on this section who has previously been found guilty of a violation of this section shall be sentenced to a minimum fine of $1000.

(5) Any person found guilty of a violation of this section who has previously been found guilty of two or more a violations of this section shall be sentenced to a minimum fine of $1000 and a term of imprisonment not less than 30 days.

(6) No portion of the minimum sentences described in paragraphs (3), (4), and (5) above shall be eligible for a suspended execution of sentence and no person found guilty of a violation of this section shall be eligible for probation or parole until the minimum sentences described in paragraphs (3), (4), and (5) above have been served.

Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability

incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

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

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2024-020 (LEE)

FILED: 01/05/2024

ORIGINATING DEPARTMENT: Human Resources

TITLE: A general ordinance amending the Springfield City Code, Section 2-91, known as the 'Merit System Rules and Regulations,' by amending Merit Rule 8.12 "Reinstatement," to expand reinstatement options.

PURPOSE: To amend the Springfield City Code, Chapter 2, Article III, Division 1, Section 2-91, known as the Merit System Rules and Regulations ("Merit Rules"), by amending Merit Rule 8.12 – Reinstatement which governs employee reinstatement options and to expand the rule.

BACKGROUND INFORMATION: This proposed change to the City's Merit Rules is recommended to provide an additional recruitment option specifically for sworn police and fire non-duty disability retirees covered under the City's Police Officers' and Fire Fighters' Retirement Fund. This change will affect retirees interested in applying for reinstatement to City employment in the same position that will then be covered under the Local Government Employees Retirement System ("LAGERS") should reinstatement be approved. This option is designed to assist in the recruitment and retention of eligible sworn police and fire employees as another possible strategy to help alleviate the police officer candidate shortage.

The proposed change to this Merit Rule falls under the jurisdiction of the Personnel Board and was presented to the Personnel Board for review and consideration at its January 4, 2024, administrative meeting. The Board voted unanimously to approve the recommended change which is now submitted to City Council for consideration and approval.

REMARKS: City management recommends this amendment to the Merit Rules as contained in this Council Bill. The proposed change will expand the current reinstatement rule to include an additional option specific to non-duty disability retirees of the City's Police Officers and Fire Fighters Retirement Fund with the goal to advance the City's recruitment and retention efforts for those positions, that are often hard-to-fill public safety positions.

It is respectfully requested that Council give consideration and approval to these changes.

Submitted By: Darla Morrison, Director of Human Resources

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Jordan Paul, City Attorney 1/10/2024
Jason Gage, City Manager 1/10/2024

Attachments: 1. Merit Rule 8.12 Amendment_ Ord

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 01-16-24

Sponsored by: Lee

First Reading: _____ Second Reading: _____

COUNCIL BILL 2024-020 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield City Code, Section 2-91, known as the 'Merit System Rules and Regulations,' by amending Merit Rule 8.12 "Reinstatement," to expand reinstatement options.

WHEREAS, the city desires to amend Merit Rule 8.12 "Reinstatement" for the purpose of rehiring retired police officers and fire fighters; and

WHEREAS, the Personnel Board approved said proposed amendment on January 4, 2024.

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

NOTE: Underlined language is being added and ~~stricken~~ language is being deleted.

Section 1 – That Merit Rule 8.12 "Reinstatement," adopted pursuant to Springfield City Code, Section 2-91, 'Merit System Rules and Regulations,' is hereby amended to read as follows:

8.12 Reinstatement

An employee with status who has resigned or been laid off through no fault of the employee may be reinstated to a position of the same class within one (1) year from the effective date of separation. Such reinstatement shall be made only with the prior approval of the Director and shall be subject to the successful completion of a probationary period as a Probationary Employee in accordance with Rule 9. An employee, who terminates employment and is reinstated in the same calendar month and year, shall have their probationary period waived upon reinstatement. The Director's approval of a reinstatement shall include a finding that the candidate meets ~~meeting~~ the

current qualifications for the class of positions.

Additionally, former employees who are non-disability retirees under the City's Police Officers' and Fire Fighters' Retirement Fund may be reinstated to a position of the same class within one (1) year from the effective date of separation. Per section 2-460 of the City's Code, such reinstated individuals will not be eligible to continue to participate in the Police Officers' and Fire Fighters' Retirement Fund (other than already vested benefits) but will be eligible to participate in the Local Government Employees Retirement System (LAGERS). Although reinstated, such individuals' years of service under the Police Officers' and Fire Fighters' Retirement Fund will not count as credit toward a LAGERS pension. Such reinstatement shall be made only with the prior approval of the Director and shall be subject to the successful completion of a probationary period as a Probationary Employee in accordance with Rule 9. Such retirees who are reinstated in the same calendar month and year of the separation, shall have their probationary period waived upon reinstatement. The Director's approval of a reinstatement shall include a finding that the candidate meets the current qualifications for the class of positions.

An employee with status who has been found by the City Manager, after a Personnel Board hearing on the employee's appeal, to have been improperly dismissed for political, religious, or ethnic reasons shall, with approval of the City Manager, be reinstated to the employee's former position or a position of like status and pay, without loss of pay for the period of the employee's separation.

Section 2 – 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

EXPLANATION TO COUNCIL BILL 2024-011 (HORTON)

FILED: 01/11/2024

ORIGINATING DEPARTMENT: Law

TITLE: A special ordinance authorizing the City Manager, or designee, on behalf of the City of Springfield, to enter into a Contract for Sale of Real Estate with Springfield QOZ Self-Storage LLC d/b/a Devon Self-Storage, for 0.43 acres of vacant land in the 300 block of West Chestnut Street; and authorizing the issuance of a quitclaim deed for the same. (Staff recommends approval.)

PURPOSE: To authorize the City Manager, or designee, on behalf of the City of Springfield, to enter into a Contract for Sale of Real Estate ("Exhibit 1") with Springfield QOZ Self-Storage LLC d/b/a Devon Self-Storage, for 0.43 acres of vacant land in the 300 block of West Chestnut Street, and to issue a quitclaim deed for the same. (Staff recommends approval.)

BACKGROUND INFORMATION: This property lies directly to the north of the building previously occupied by Gannett Media d/b/a the Springfield News-Leader (the "News-Leader Building"). The property consists of the northern half of Chestnut Street, vacated in 2000 by Vacation No. 650, and an area acquired by the Missouri Highways and Transportation Commission in the 1950s for the construction of Chestnut Expressway and deeded to the City in 1986, which was recorded in the Greene County Recorder's office in Book 1931 Page 354. The property has been improved with a parking lot that was constructed by Gannett Media in 2000 in accordance with a license granted by the City in Special Ordinance 23957.

The News-Leader Building has since been acquired by Springfield QOZ Self-Storage LLC d/b/a Devon Self-Storage ("Devon Self-Storage") for use as a self-storage facility. The licensed parking lot will no longer be used or maintained by Gannett Media, and is not useful or desirable for public parking. Devon Self-Storage will use the area for parking and to allow for the News-Leader Building to be re-configured to allow for drive-through self-storage.

Staff has determined there is sufficient public benefit provided by the transfer of this property to justify the City selling the surplus property. As consideration for the property, Devon Self-Storage is providing 3000 sq. ft. of climate-controlled storage until November 1, 2027 (See Lease Agreement, "Exhibit 2").

At the December 14, 2023 meeting, the Planning and Zoning Commission determined that the disposal of the property was consistent with the Comprehensive Plan (Request to Dispose 530).

Staff recommends approval.

Submitted By: Kyle Tolbert, Assistant City Attorney

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

Attachments:
1. 300 W Chestnut Disposal_Ord
2. Contract for Sale of Real Estate_ Ex 1
3. Lease Agreement _ Ex 2
4. Staff Report_Ex3

One-rdg. _____
P. Hrngs. _____
Pgs. 27
Filed: 01-02-24

Sponsored by: Horton

First Reading: _____ Second Reading: _____

COUNCIL BILL 2024-011 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or designee, on behalf of the City of Springfield, to enter into a Contract for Sale of Real Estate with Springfield QOZ Self-Storage LLC d/b/a Devon Self-Storage, for 0.43 acres of vacant land in the 300 block of West Chestnut Street; and authorizing the issuance of a quitclaim deed for the same. (Staff recommends approval.)

WHEREAS, the Missouri Highways and Transportation Commission ("MHTC") acquired fee the land north of the 300 block of West Chestnut Street in fee simple to construct Chestnut Expressway, and in 1986 transferred the land to City of Springfield ("City"); and

WHEREAS, the City vacated the 300 block of West Chestnut Street in 2000; and

WHEREAS, the City granted Gannett Media, d/b/a the Springfield News-Leader, a license to construct and maintain a parking lot on the land in the same year; and

WHEREAS, Gannett Media has since sold the building at 651 North Boonville to Springfield QOZ Self-Storage LLC d/b/a Devon Self-Storage ("Devon Self-Storage"), and is no longer using or maintaining the parking lot; and

WHEREAS, the parking lot is not useful or desirable for public parking, but is useful and desirable for the use by Devon Self-Storage; and

WHEREAS, City staff have entered into a forty-eight month lease with Devon Self-Storage, attached as "Exhibit 2," for storage space needed while City Hall undergoes renovations, with no cost to the City provided the property in question is transferred to Devon Self-Storage by March 31, 2024; and

WHEREAS, City staff has determined that there is sufficient public benefit provided by the transfer of this property to justify the City selling the surplus property in exchange for a lease of storage space needed while City Hall undergoes renovations; and

WHEREAS, the Planning and Zoning Commission recommended approval of the disposal of the property at its December 14, 2023, meeting; and

WHEREAS, disposition of real property calls for City Council approval.

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

Section 1 – The City Manager, or his designee, is hereby authorized to enter into a Contract for Sale of Real Estate ("Contract") with Springfield QOZ Self-Storage LLC d/b/a Devon Self-Storage, said Contract to be in substantially similar form as the document attached hereto and incorporated herein by reference as "Exhibit 1."

Section 2 – Upon closing of the sale of the property pursuant to the Contract, the Mayor is hereby authorized to execute such documents as are necessary to convey title to the real property by quitclaim deed, reserving city easements, if any.

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

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council Action: _____, City Manager

Exhibit 1

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) BUYER	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFC.	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	CLOSING DATE	CONTRACT NUMBER:	

CITY / SELLER	BUYER	
CITY OF SPRINGFIELD 840 BOONVILLE, PO BOX 8368 SPRINGFIELD, MO 65802 PHONE (417) 864-2057 FAX (417) 864-1907 ATTN: DAN SMITH, DIRECTOR OF PUBLIC WORKS DEPT: PUBLIC WORKS	Name(s): Springfield QOZ Self-Storage, L.L.C., a Delaware limited liability company	
	Address: 2901 Butterfield Road Oak Brook, Illinois 60523	
	Phone: (630) 218-4934	Email: binder@inlandprivatecapital.com
	Attention: Joe Binder	
	SSN/Federal Tax ID Number: 85-2247940	

CONTRACT FOR SALE OF REAL ESTATE

1. **PARTIES**. This Contract is made by and between the parties identified above, and effective as of the date and time of final acceptance, hereinafter referred to as Effective Date.

2. **PROPERTY.** Buyer has offered to buy and the City is willing to sell, on the terms and conditions set forth herein, a portion of the real estate located between Chestnut Expressway and 610 N Boonville Ave., Springfield, Missouri, more particularly described on ***Exhibit A*** and illustrated on ***Exhibit B*** (the "Property").

3. **PURCHASE.** The Buyer agrees to buy and the Seller agrees to sell the Property upon the terms and conditions as follows:

a. Price. The price shall be in-kind services. Buyer agrees to lease to the City of Springfield three thousand square feet (3000 sq. ft.) of climate-controlled storage space at the building located at 651 N Boonville Ave., Springfield, MO 65806 for a term of forty-eight (48) months in accordance with ***Exhibit C***, attached hereto and incorporated herein by reference.

b. Contingencies. This agreement is subject to the following contingencies, and Buyer may elect to declare this agreement null and void prior to Closing without obligation or liability to Seller if:

(1) A survey or inspection of the Property by Buyer discloses encroachment violations of subdivision or other restrictions, boundary line disputes, or right or claims of third parties in possession, on any portion of the premises, which are unacceptable to the Buyer.

(2) Sale of this property is not approved by the Planning and Zoning commission of the City, and the City Council, if determined by the City Attorney that additional legislative authority is required for the disposition of the property.

(3) The title insurance commitment referred to in paragraph 8 of this agreement shall fail to show merchantable title in Seller, or shall contain exceptions unacceptable to Buyer.

(4) Other Contingencies: Buyer is not satisfied, in its sole and absolute discretion, with the results of any inspections or investigations completed in conducting its due diligence of the Property.

(5) Any other contingencies not contained in this paragraph 4, or in the printed terms of this contract, must be specified on an applicable addendum and the date for satisfying such contingencies, if any, shall be the closing date unless otherwise agreed in writing.

4. **ENVIRONMENTAL.** THE PROPERTY IS SOLD BY SELLER "AS IS", WITHOUT WARRANTIES, EXPRESS OR IMPLIED, AS TO ANY ENVIRONMENTAL CONDITION, THE STRUCTURAL CONDITION OF ANY IMPROVEMENTS, FIXTURES, OR EQUIPMENT OR THE FITNESS OF PURPOSE FOR ANY USES INTENDED BY BUYER. The Buyer may cause a Phase 1 Environmental Assessment under ASTM 2000 Standards to be made of the Property. If the Phase 1 Environmental Assessment indicates that there may be a Hazardous Substance on the Property or recommends that a Phase II Environmental Assessment should be conducted on the Property. Seller agrees to allow entry upon the Property by the Buyer's environmental consultant at Buyer's expense to conduct a Phase II Environmental Assessment by taking of soil and groundwater samples to determine the presence of any hazardous substances subject to Seller agreeing to execute an access agreement. Buyer will not be obligated to proceed with purchasing the property in the event the Phase II Environmental Assessment results show the presence of hazardous substances on the property, unless Buyer and Seller subsequently enter into a written amendment of this agreement relating to the removal and payment of the cost of removal of such substances. All Environmental Assessments shall be made in accordance with ASTM 2000 standards. Buyer shall be responsible to Seller for any injury of damage caused by such inspections, including Buyer, or its agents, entry on the Property for purpose of environmental inspection, Buyer agreeing to promptly repair and restore the Property as reasonably possible to its original condition prior to such inspection.

5. **DEFINITIONS OF HAZARDOUS SUBSTANCE.** As used herein, "Hazardous Substance" shall mean any substance; (1) the presence of which requires investigation or remediation under any federal, state, or local statute, regulation, ordinance, order, action, policy, or common law; (2) which is or becomes hereafter defined as a "hazardous waste", "hazardous substance", "hazardous material", "pollutant", or "contaminant" (whether harmful or not) under any federal, state, or local statue, regulation, rule, or ordinance including, without limitation, the Comprehensive Environmental Response, compensation and Liability Act (42 U.S.C. §§ 6901 et seq.), and/or the Resource Conservation and Recovery Act (42 U.S.C. §§ 6901 et seq.); (3) which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous and is, or becomes, regulated by any governmental authority, agency, department, or instrumentality of the United States, the State of Missouri, or any political subdivision thereof; (4) without limitation, which consists of or contains petroleum, natural gas, and/or their components and distillates; (5) and/or any naturally occurring but harmful substance such as methane or radon. For the purpose of this definition, asbestos is no included as it is treated separately hereunder.

6. **SELLER'S REPRESENTATIONS.** Seller represents to Buyer:
   1. That Seller has no knowledge of any underground tanks, toxic or hazardous substances, or dump sites on the property, either at present or in the past;

   2. That the property is not subject to any real estate listing agreement, or other agreement providing for any real estate commission;

   3. That there have been no unpaid improvements or any other work performed in connection with the Property that would give rise to the filing of any mechanics' liens against the property;

   4. That the Seller has full authority to enter into this agreement and that the Property is not subject to any options, contracts of sale, leases or other rights in favor of any third parties;

   5. That there are no legal proceedings pending which involve the Property; and

   6. That, during the term of this Contract, Seller shall authorize Buyer to conduct Property investigations and evaluations, in such scope as Buyer deems necessary (in its sole and absolute discretion) to determine the economic feasibility of the acquisition of the Property.

   7. That these representations will continue to be true at the closing, unless Seller has given City notice to the contrary in writing prior thereto.

7. **ADDITIONAL TERMS AND CONDITIONS.**

Within twelve (12) months from Closing, Buyer shall remove, at Buyer's sole expense, the existing public driveway approach or public vehicle access onto North Boonville and allow access solely for fire and safety vehicles in compliance with the Springfield City Code pertaining to fire and safety. Additionally, Buyer agrees to suitably seed and plant with grass and other plants in accordance with Springfield City Code Section 36-492 – Landscape the areas as generally detailed in the attached ***Exhibit D*** ("Post Close Covenant"). Seller shall have no obligations whatsoever with respect to the maintenance or repair of any pavement, driveways, or parking spaces on the Property after Closing and Buyer shall be free to improve, develop, secure and alter the Property in its sole discretion subject only to the obligations provided herein this Post Close Covenant and applicable federal, state, and local law.

The following Addenda, if applicable, together with ***Exhibits*** _____as referenced in this Contract, are attached and incorporated herein at the time of acceptance:

_____
_____
_____.

8. **CLOSING AND POSSESSION.**

a. The Closing is the recording of the Seller's quitclaim deed (unless another type of deed is mutually agreed to in writing by the parties) for the purchase price paid by the Buyer after all contingencies have been met and all documents have been signed; and shall take place on or before the 31st day of March , 2024, (the Closing Date), unless otherwise agreed to in writing.

b. The Buyer shall take possession of the Property at the time of closing.

9. **CLOSING PROCEDURES.** Necessary title information shall be ordered by the Buyer within ten (10) days of the Effective Date at the sole cost and expense of the Buyer. The Buyer shall obtain a commitment to insure title in the amount of the purchase price, from the following closing company, which is authorized to insure titles in the State of Missouri: Chicago Title Insurance Company located at 10 South LaSalle, Suite 3100, Chicago, Illinois 60603, Attn: Tom Meier.

The commitment shall show merchantable title in Seller in accordance with the Title Examination Standards of the Missouri Bar, subject to encumbrances as provided herein, standard residential subdivision restrictions, covenants, declarations, setback lines, easements and zoning laws of record as of the Effective Date, and the lien of current year's taxes. The Buyer may, at Buyer's expense, obtain a survey (and shall obtain a survey if required by title company). The City shall pay the premium for the title policy. The Buyer may, at Buyer's expense, have the title commitment examined, and if applicable, the Buyer shall provide to Seller in writing any valid objections to title and survey prior to the Closing Date, and Seller shall make reasonable effort to correct the valid objections within thirty (30) days of receipt of request to cure, unless otherwise agreed to in writing; and if not corrected, the Buyer may waive the objections and close, or elect to terminate the Contract. At closing, Seller shall deliver the quitclaim deed, along with all other documents and funds reasonably necessary to complete the Closing, and the Buyer shall deliver cash or certified funds sufficient to satisfy the Buyer's payment obligations (to the extent applicable) and all other documents necessary to complete the Closing. If a closing fee is charged, the cost will be paid by the Buyer, unless otherwise provided. Recording fees shall be paid by the party for whom the fee is attributable. The Seller will warrant at Closing there are no unpaid bills for improvements within 12 months prior to Closing and that Seller has no knowledge of proposed improvements to be paid for by special assessment or fee.

10. **TAXES.** Seller shall be responsible for all taxes prior to 2023. Any real estate taxes for 2023 shall be prorated to Closing Date and Seller shall be responsible for payment of his prorata share of all property taxes accrued as of the date of closing. If the current year's taxes cannot be determined, proration will be based on the preceding year's taxes with adjustments for known changes in assessed valuation or tax levies.

11. **VERIFICATION OF CONDITION.** The Buyer shall have the right to make a final inspection of the Property prior to closing, as a contingency of the sale to confirm that:

a. The Seller has complied with Seller's obligations; and
b. Any contingency or defect of title has been resolved.

12. **REMEDIES UPON DEFAULT.**

a. The Seller or the Buyer shall be in default under this Contract if either fails to comply with any material provision within the time limits required by the contract. If either party defaults, the party claiming a default shall notify the other party in writing of the nature of the default and may, as set forth in said notice, either terminate this Contract or extend the time for performance by providing the defaulting party a deadline for curing the default.

b. The Seller and Buyer mutually agree to release and waive any and all claims against the other party in the event of the failure of either party to close the sale of the Property, but will in good faith endeavor to negotiate for the resolution of any dispute which may have arisen between them in such event.

13. **CONFLICTS OF INTEREST.** No salaried officer or employee of the City of Springfield, Missouri, and no member of any Board or the City Council of the City shall have a financial interest, direct or indirect, in this contract. A violation of this provision renders the contract void. Any federal regulations, and applicable provisions in RSMo. Section 105.450 et seq. shall not be violated.

14. **PROVISIONS NOT MERGED WITH DEED.** No provision of this Contract is intended to or shall be merged by reason of any deed transferring title to the Property from the City to the Buyer, or any successor in interest, and any such deed shall not be deemed to affect or impair the warranties, obligations and covenants of this Contract, which shall survive the closing.

15. **NOTICE.** All notices required or permitted hereinunder and required to be in writing may be given by electronic mail or by first class mail addressed to Buyer and Seller by one of three different means: email if both parties have an electronic address; U.S. Postal Service Mails; or by hand delivering a copy of the same to the receiving party; or may give notice by any combination of the above methods.

a. The date of notice shall be:

(1) The date upon which notice is hand delivered to the receiving party;

(2) The date of delivery of notice by electronic transmission which shall be deemed to be the date transmission occurs, except where the transmission is not completed by 5:00 p.m. on a regular business day at the terminal of the receiving party, in which case the date of delivery shall be deemed to fall on the next regular business day for the receiving party;

(3) The third day following mailing of the notice, whichever first occurs.

b. It shall be sufficient if notices to the Seller are addressed **to City Attorney, City of Springfield, 840 Boonville Ave., P.O. Box 8368, Springfield, Missouri 65801,** or by email to Kyle Tolbert at kyle.tolbert@springfieldmo.gov.

c. It shall be sufficient if notices sent to the Buyer are addressed to:

The Inland Real Estate Group, L.L.C.
2901 Butterfield Road
Oak Brook, Illinois 60523
Attention: Brett D. Smith, Esq.
Telephone: (630) 218-2885
Email: brett.smith@inlandgroup.com

With a copy to

Devon Self Storage Holdings (US) LLC
2000 Powell Street, Suite 1240
Emeryville, CA 94608
Attention: Kim Siclari, Esq.
Telephone: (510) 450-9207
Email: ksiclari@devonselfstorage.com

16. **HEADINGS.** The headings or captions of this Contract are for convenience and reference only, and in no way define, limit, or describe the scope or intent of the Contract or any provision hereof.

17. **SEVERABILITY.** In the event that any one or more of the phrases, sentences, clauses, paragraphs or sections contained in this Contract shall be declared invalid by the final and unappealed order, decree or judgment of any court, the City may, at its sole option, set this Contract aside.

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

19. **TIME.** Time is of the essence in the performance of the obligations of the parties under this agreement.

20. **ENTIRE CONTRACT.** This Contract contains the entire Contract of the parties. No modification, amendment, or waiver of any of the provisions of this Contract shall be effective unless in writing specifically referring hereto, and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year herein stated.

[*SIGNATURE PAGE FOLLOWS*]

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

_____

Director of Finance or Acting Director

APPROVED AS TO FORM

_____

City Attorney or designee

BUYER:

Springfield QOZ Self-Storage, L.L.C.,
a Delaware limited liability company

By: Self-Storage QOZ Limited Partnership,
a Delaware limited partnership, its sole member

By: Self-Storage QOZ GP, L.L.C.,
a Delaware limited liability company, its general partner

By: Inland Private Capital Corporation,
a Delaware corporation, its sole member

By: DocuSigned by: Joseph E. Binder B15710E8CC154B0...

Joseph E. Binder
Executive Vice President

By signing this contract, Buyer certifies that he/she is not presently employed by the City of Springfield or City Utilities of Springfield.

CITY OF SPRINGFIELD, MISSOURI

By:_____

City Manager or designee

EXHIBIT A

PROPERTY BEING DESCRIBED AS FOLLOWS:

A PART OF THE GRANTOR'S LAND AS RECORDED IN A QUIT-CLAIM DEED IN BOOK 1931 AT PAGE 354, AND A PART OF CHESTNUT STREET VACATION RECORDED IN BOOK 2769 AT PAGE 1063, IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IS DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 02 DEGREES 16 MINUTES 07 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1308.30 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 35 SECONDS EAST, A DISTANCE OF 16.87 FEET TO THE SOUTHWEST CORNER OF SAID CHESTNUT STREET VACATION, ON THE EAST RIGHT-OF-WAY LINE OF CAMPBELL AVENUE; THENCE NORTH 02 DEGREES 51 MINUTES 00 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE OF CAMPBELL AVENUE, A DISTANCE OF 17.52 FEET, TO THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID CHESTNUT STREET VACATION, FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 02 DEGREES 51 MINUTES 00 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 47.70 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 39 SECONDS EAST, A DISTANCE OF 393.12 FEET, TO THE WEST RIGHT-OF-WAY LINE OF BOONVILLE AVENUE; THENCE SOUTH 01 DEGREES 51 MINUTES 54 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 46.86 FEET, TO SAID SOUTH LINE OF THE NORTH ONE-HALF OF SAID CHESTNUT STREET VACATION; THENCE NORTH 89 DEGREES 01 MINUTES 17 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 397.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON MISSOURI STATE PLANE COORDINATE SYSTEM 1983, CENTRAL ZONE.

CONTAINING 18,662 SQUARE FEET, MORE OR LESS.

EXHIBIT B

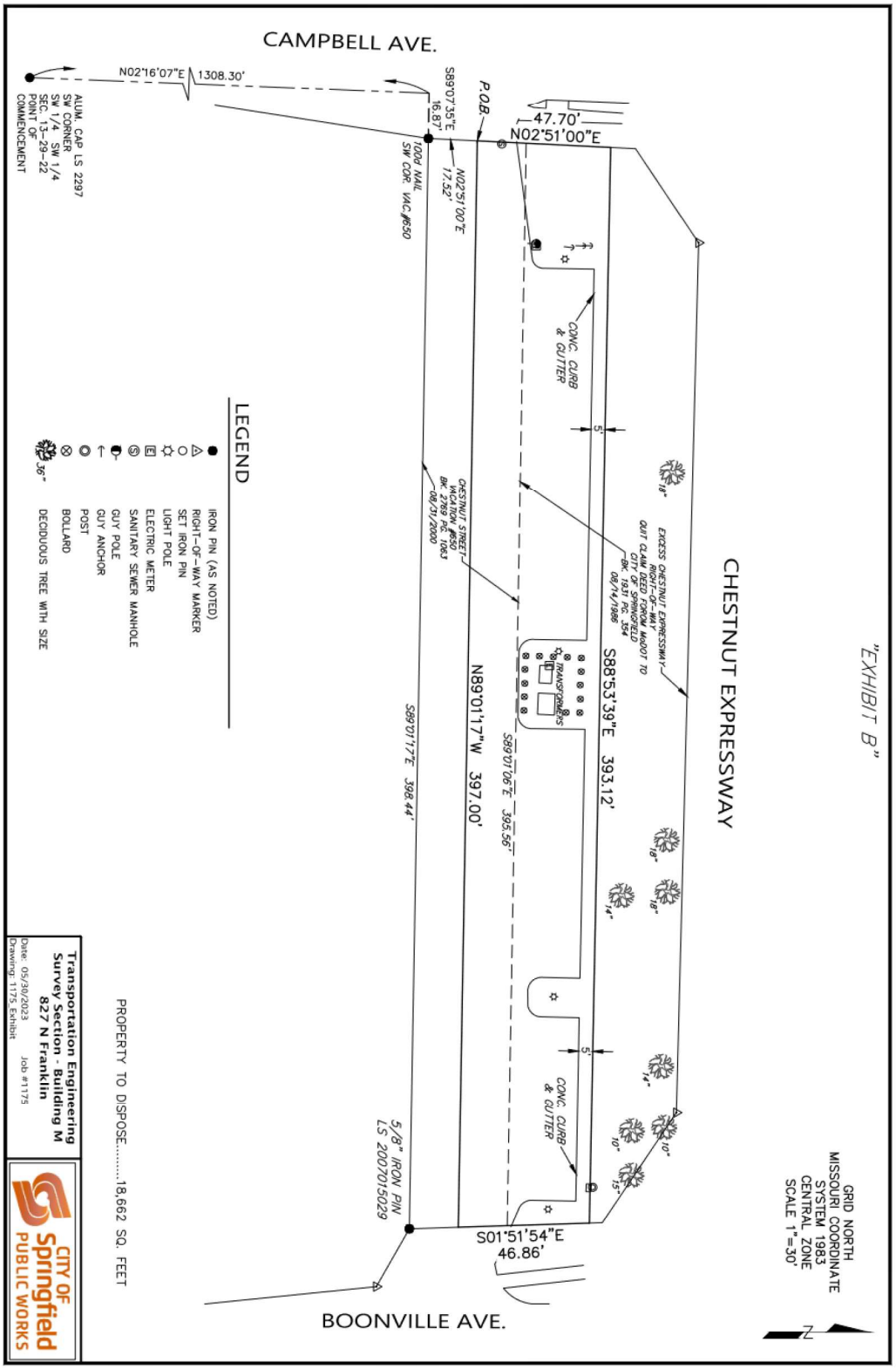

"EXHIBIT B"
CHESTNUT EXPRESSWAY
CAMPBELL AVE.
BOONVILLE AVE.
GRID NORTH
MISSOURI COORDINATE
SYSTEM 1983
CENTRAL ZONE
SCALE 1"=30'
N
EXCESS CHESTNUT EXPRESSWAY
QUIT CLAIM DEED FROM MoDOT TO
CITY OF SPRINGFIELD
BK. 1931 PG. 354
08/14/1986
S88°53'39"E 393.12'
N89°01'17"W 397.00'
S89°01'06"E 395.56'
S89°01'17"E 398.44'
S01°51'54"E
46.86'
47.70'
N02°51'00"E
P.O.B.
S89°07'35"E
16.87'
N02°51'00"E
17.52'
100d NAIL
SW COR. VAC.#650
CHESTNUT STREET
VACATION #650
BK. 2759 PG. 1063
08/31/2000
CONC. CURB
& GUTTER
TRANSFORMERS
5/8" IRON PIN
LS 2007015029
N02°16'07"E 1308.30'
ALUM. CAP LS 2297
SW CORNER
SW 1/4
SEC. 13-29-22
POINT OF
COMMENCEMENT
LEGEND
IRON PIN (AS NOTED)
RIGHT-OF-WAY MARKER
SET IRON PIN
LIGHT POLE
ELECTRIC METER
SANITARY SEWER MANHOLE
GUY POLE
GUY ANCHOR
POST
BOLLARD
DECIDUOUS TREE WITH SIZE
PROPERTY TO DISPOSE.....18,662 SQ. FEET
Transportation Engineering
Survey Section - Building M
827 N Franklin
Date: 05/30/2023
Drawing: 1175_Exhibit
Job #1175
CITY OF
Springfield
PUBLIC WORKS

EXHIBIT C

[Insert Lease Agreement]

EXHIBIT D

Post Close Covenants

These restrictions and covenants are hereby declared to be covenants running with the land and shall be fully binding upon all persons acquiring property in said subdivision whether by descent, devise, purchase or otherwise, and any person by the acceptance of title to any lot of this subdivision shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

Enforcement. In the event of a breach or threatened breach, the right to enforce these restrictions and covenants shall inure to any party adversely affected by such breach or the City of Springfield.

Access onto Boonville. There shall be no vehicle access from or onto North Boonville Avenue, except for fire and safety vehicles in compliance with the applicable fire and safety provisions of Springfield City Code. Any area where paving is removed shall be suitably seeded and planted with grass and other plants in accordance with Springfield City Code Section 36-492 – Landscape.

Landscaping. All landscaping shall comply with Springfield City Code Section 36-492 – Landscape.

Screening. Any and all trash and recycling receptacles and mechanical units shall be screened in accordance with Springfield City Code Section 36-493 – Screening.

Fencing. All fences or walls shall be located in line with the fences of adjacent properties, shall provide safe site distance where driveway curb cuts intersect public rights-of-way, and shall be installed around the perimeter of the Property in accordance with Exhibit D-3.

Fences shall have a maximum opacity of fifty percent (50%). Any and all fences shall be made of only the following materials: aluminum, vinyl/PVC, wrought iron, or any other material that may be approved by the City of Springfield Administrative Review Committee (ARC) upon application to the ARC by the Grantee or its successors or assigns. Notwithstanding the above, no fence shall be made of, in whole or in part, chain link, razor wire, barbed wire, concertina wire, or other similar materials.

No fence shall exceed eight (8) feet in overall height. Walls or solid fences may not exceed forty-two (42) inches in height; railings, fencing, or decorative elements with at most fifty percent (50%) opacity are permitted above the wall or solid fence so long as the overall height does not exceed seven (7) feet.

New Construction or Extensions to Existing Buildings.
There shall be no construction of new improvements or extensions to existing buildings, except for any landscaping, screening, or fencing in compliance with the above restrictions, or for any new improvements or extensions constructed in that portion generally described as the previously vacated area of Chestnut Street, and more specifically described as:

SEE EXHIBIT D-2, ATTACHED TO AND BY THIS REFERENCE INCORPORATED HEREIN AS IF FULLY SET FORTH.

Governing Law. This Declaration shall be construed and enforced in accordance with the laws of the State of Missouri.

EXHIBIT D-2

A PART OF THE GRANTOR'S LAND, BEING A PART OF CHESTNUT STREET VACATION RECORDED IN BOOK 2769 AT PAGE 1063, IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IS DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 02 DEGREES 16 MINUTES 07 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1308.30 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 35 SECONDS EAST, A DISTANCE OF 16.87 FEET TO THE SOUTHWEST CORNER OF SAID CHESTNUT STREET VACATION, ON THE EAST RIGHT-OF-WAY LINE OF CAMPBELL AVENUE; THENCE NORTH 02 DEGREES 51 MINUTES 00 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE OF CAMPBELL AVENUE, A DISTANCE OF 17.52 FEET, TO THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID CHESTNUT STREET VACATION, FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 02 DEGREES 51 MINUTES 00 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 17.50 FEET; THENCE SOUTH 89 DEGREES 01 MINUTES 06 SECONDS EAST, A DISTANCE OF 395.56 FEET, TO THE WEST RIGHT-OF-WAY LINE OF BOONVILLE AVENUE; THENCE SOUTH 01 DEGREES 51 MINUTES 54 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 17.49 FEET, TO SAID SOUTH LINE OF THE NORTH ONE-HALF OF SAID CHESTNUT STREET VACATION; THENCE NORTH 89 DEGREES 01 MINUTES 17 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 397.00 FEET TO THE POINT OF BEGINNING.
BEARINGS ARE BASED ON MISSOURI STATE PLANE COORDINATE SYSTEM 1983, CENTRAL ZONE.

CONTAINING 6,926 SQUARE FEET, MORE OR LESS.

Exhibit 2

ROUTING ORDER	(1) LICENSEE	(2) LESSOR	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE _____	TERMINATION DATE _____	**CONTRACT NUMBER:**	
(X) NEW CONTRACT			

LESSEE	LESSOR
City of Springfield **840 Boonville, P.O. BOX 8368** **Springfield, MO 65802** **Phone: 417-864-1966** **Attn: Dan Smith, Director of Public Works**	**Devon Self Storage Holdings, LLC** **Address: 2000 Powell Street, Suite 1240** **Address: Emeryville, CA 94608** **Phone: (510) 450-9207** **Attn: Kim Siclari** **Email: Ksiclari@devonselfstorage.com**

LEASE AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of November, 2023, by and between the **City of Springfield**, a constitutional charter city of the State of Missouri, hereinafter referred to as the "Lessee," and **Devon Self-Storage Holdings, LLC**, as managing agent for Springfield QOZ Self-Storage, L.L.C., a Delaware limited liability company, hereinafter referred to as the "Lessor."

WITNESSETH:

WHEREAS, Lessee has agreed to transfer certain real property adjacent to 651 N. Boonville Street, Springfield, MO to Lessor, and in consideration for said transfer, Lessor has agreed to provide storage space to Lessee;

For and in consideration of the mutual promises and covenants as hereinafter set forth, Lessor hereby demises and leases to Lessee the following described premises on the following terms and conditions:

1. **Premises**. The premises hereby leased are located within the facility at 651 N. Boonville Street, Springfield, MO 65806, and consist of approximately 3,000 square feet of storage space ("the Premises"), and more particularly described in the Self -Storage Rental Agreement attached hereto as ***Exhibit A*** and incorporated herein by reference.

2. **Term**. This agreement shall run and be in full force and effect for a period of forty-eight (48) months, commencing on _____, 2023 and ending on _____, 2027.

Rental Fee. In exchange for exclusive use of the Premises hereunder for the term of this Agreement, Lessee agrees to transfer to Lessor a certain area of real property adjacent to 651 N. Boonville Street, with such transfer to be completed in accordance with a separate real estate contract attached hereto as ***Exhibit B*** and incorporated herein by reference. A rental fee of **Four Thousand Five Hundred Dollars and no/100 ($4500.00)** per month shall accrue on a pro rata basis from the execution of this lease until transfer of the real property in accordance with ***Exhibit B***. Upon transfer of the real property adjacent to 651 N. Boonville Street from Lessee to Lessor, any accrued rental fees shall no longer be payable, and no further rental fees shall accrue or be payable for the Term of this Agreement. In the event the real property adjacent to 651 N. Boonville Street is not transferred from Lessee to Lessor by March 31, 2024, for any reason, Lessee shall pay all accrued Rental Fees, within 30 days of receiving written demand from Lessor for payment of accrued and unpaid Rental Fees Following payment of all accrued and unpaid Rental Fees, Lessee shall pay to Lessor the Rental Fee on or before first day of every month in accordance with the payment terms as provided for ***Exhibit A***.

3. **Non-appropriation.** Lessor understands and agrees that the obligation to make rental payments under this Lease is subject to an annual appropriation by a government agency and shall not be construed to be a debt in contravention of any application of

constitutional or statutory limitation or requirement concerning the creation of indebtedness, nor shall anything contained herein constitute a pledge of general tax revenues, funds, or other monies of a government agency. In the event funds are not appropriated by the City Council of Springfield, Missouri for any term of the lease, any extension thereto, or any portion of any term of the lease which falls in a fiscal period other than a fiscal period for which funds have been appropriated, the lease shall terminate without notice at the end of the fiscal period for which funds are appropriated.

4. **Additional Terms.** In the event of a conflict between a provision in this Agreement and a provision in ***Exhibit A*** to this Agreement, the provisions in this Agreement shall prevail.

5. **Insurance.** Lessor shall maintain fire and extended coverage insurance on the Premises in such amounts as Lessor shall deem appropriate and comprehensive general liability insurance with respect to the Premises such general liability insurance to afford minimum protection of not less than $1,000,000 combined single limit coverage of bodily injury, property damage, or combination thereof.

6. **Maintenance.** Intentionally Omitted. Please refer to ***Exhibit A***.

7. **Sublease.** The Lessee shall not sublease any part of the space demised.

8. **Damage of the Leased Premises.** In the event the leased Premises are totally destroyed or rendered unusable by fire or other casualty, or that the remainder is not reasonably usable for Lessee's purposes, this lease shall terminate and the unearned portion of the rent theretofore paid shall be returned to Lessee unless the leased premises are repaired by Lessor and made fit and usable within 45 days from the occurrence of said damage, in which event no rent shall accrue or be payable hereunder from the date of occurrence of such damage to the date of completion of such repair.

9. **Termination.** Either party may terminate this lease without cause upon giving ninety (90) days prior written notice to the other party. If, through any cause, either party shall fail to fulfill in timely and proper manner its obligations under this lease, and has been given notice of the failure and a period of not less than seven (7) days to correct same, the offended party shall have the right to terminate this lease by giving an additional five (5) days' written notice to the other party. In the event the real property adjacent to 651 N. Boonville Street is not transferred from Lessee to Lessor by the closing date identified in ***Exhibit B***, for any reason, this Lease shall terminate immediately unless otherwise agreed to in writing by the parties. Lessee's obligation to pay any Rental Fee contemplated herein shall survive termination of this agreement. Upon termination, Lessee shall surrender the premises in as good condition as when received, except damage by fire or other casualty, and ordinary wear and tear.

10. **Surrender of Premises.** At the expiration of the Agreement, the Lessee shall immediately surrender the Premises in the same condition as at the start of the Agreement, reasonable use and wear thereof and damages by the elements excepted.

11. **Indemnification and Liability.** The parties mutually agree to the following:

a. Lessee assumes all risk of loss, damage or injury to the personal property stored in the Premises.

b. In no event shall the Lessee be liable to the Lessor for special, indirect, or consequential damages, except those caused by the Lessee's gross negligence or willful or wanton misconduct, arising out of or in any way connected with a breach of this contract.

12. **Conflicts of Interest.** No salaried officer or employee of the City and no member of the City Council shall have a financial interest, direct or indirect, in this contract. A violation of this provision renders the Contract void. Any applicable federal regulations and applicable provisions in Section 105.450 et seq. RSMo. shall not be violated. Lessor covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services to be performed under this contract. The Lessor further covenants that in the performance of this contract no person having such interest shall be employed or compensated by Lessor.

13. **Compliance with Laws.** Lessor agrees to comply with all applicable federal, state and local laws and rules and regulations applicable to the provision of services and products hereunder.

14. **Notice.** All notices required or permitted hereinunder and required to be in writing may be given by first class mail addressed to Lessee at 840 Boonville, Springfield, Missouri 65802, and Lessor at the address indicated above. The date of delivery of any

notice shall be the date falling on the second full day after the day of its mailing.

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

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

17. **Entire Agreement.** This agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this Contract shall be effective unless in writing specifically referring hereto, and signed by both parties.

18. **Conflict with Exhibits**. In the event the terms and provisions of this Agreement conflict with the terms and provisions of any Exhibit to this Agreement, the terms and provisions of this Agreement will govern.

IN WITNESS WHEREOF the parties hereto have set their hands and seals on the day and year herein stated.

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

_____

Director of Finance or Acting Director

APPROVED AS TO FORM

_____

City Attorney or designee

LESSOR:

By: Devon Self Storage Holdings (US) LLC

Name: Kimberly Siclari, Esq.

Title: Senior Vice President & General Counsel

Date: DocuSigned by: Kimberly Siclari E70616A2E020405... 11/1/2023

CITY OF SPRINGFIELD, MISSOURI

By:_____

City Manager or designee

Exhibit A

[Devon Self-Storage Rental Agreement]

Exhibit B

[Real Estate Contract]

Exhibit 3

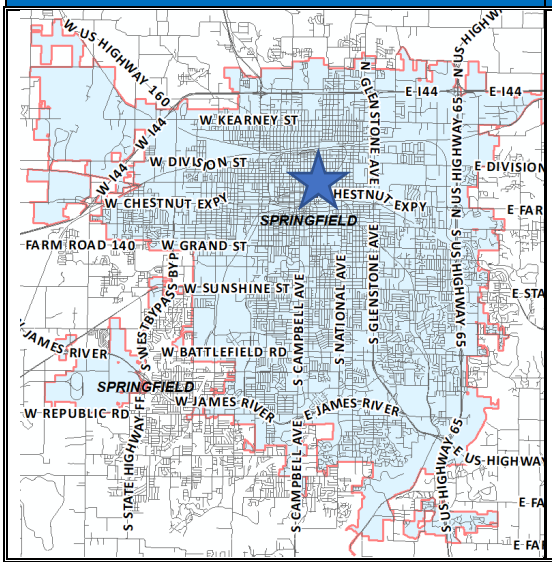
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Request to Dispose 530
Location:	300 block of West Chestnut Street
Total Acres:	0.43 acres
Applicant:	City of Springfield
Existing Land Use:	Parking Lot
Planning and Zoning Commission:	December 14, 2023
City Council:	January 22, 2024
Staff:	Hanna Knopf, 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:

The City of Springfield is proposing to dispose of the property generally located at the 300 block of West Chestnut Street. Springfield QOZ Self-Storage LLC, doing business as Devon Self-Storage, owns the parcel south of this property and will purchase the property if approved.

LOCATION MAP	CHANGE OF USE SITE
	

DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

GOOGLE MAPS STREET VIEW:

DEVELOPMENT REVIEW STAFF REPORT

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 11.7. - Legal status of master plan.

(1) Master plan to provide general guidelines. The master plan shall be prepared and maintained as a general guide for the orderly and efficient development and redevelopment of the City of Springfield. The master plan shall be kept current through review not less than every five years. When required by this Charter or otherwise deemed necessary, such review shall include proposed revisions or alterations in the master plan and public hearings thereon.

(2) Regulations to generally conform to master plan. All rezoning of land, subdivision plats, development proposals, and the zoning ordinance, subdivision ordinance and the zoning map should generally conform with the guidelines set forth in the master plan and should be reviewed for consistency with the master plan; provided, however, inconsistencies with the master plan shall not constitute cause to invalidate any such matter. The master plan shall not have the effect of a regulatory ordinance.

(3) Master plan to guide public improvements. The master plan shall provide guidelines for the location of public streets, parks and other public ways, grounds and spaces, public buildings and structures, facilities of public or private utilities, and the acquisition of real property by the city for public use. To that end the planning and zoning commission shall review the following:

(a) All proposals to construct or extend public streets.
(b) All proposals to improve land as a park.
(c) All proposals to lay out or improve other public ways, grounds or spaces.
(d) All proposals to construct public buildings and structures.
(e) All proposals to lay out and construct facilities of public utilities, whether publicly or privately owned.
(f) All proposals to acquire real property for public purposes.

In reviewing and approving all such proposals, the function of the planning and zoning commission shall be to determine whether they are generally consistent with the master plan of the city. No such proposals shall be constructed or authorized until the location, extent and character thereof has been submitted and approved by the planning and zoning commission.

In case of disapproval, the commission shall communicate its reasons to the city council, and the city council, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the city council or the appropriate board or officer may proceed, except that if the proposal is by an agency other than an agency of the city and the authorization or financing does not fall within the province of the city council, then the submission to the planning commission shall be by the agency having jurisdiction, and the planning commission's disapproval may be overruled by that agency by a vote of not less than two-thirds of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled.

DEVELOPMENT REVIEW STAFF REPORT

In the event the commission shall fail to act within thirty days after the date of official submission of a proposal (which date shall be the date that the matter is placed upon the agenda of the commission) to the commission, then the proposal shall be deemed to have been approved by the commission, unless a longer period for review by the commission shall have been authorized by the council or by the public officials submitting the proposal. In any case in which the commission finds that it is not reasonably able to complete its review of a proposal within thirty days, it may extend the time for such review for not more than thirty days.

SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	Center City	General Manufacturing	Center City	General Manufacturing
LAND USE	Right-of-way	Self-Storage Facility	Office	Office
PLACETYPES	Institutional & Employment	Downtown	Downtown	Downtown

LAND DISPOSAL POLICY:

Planning and Zoning Commission adopted the following policy statement for land disposals by public bodies:

1. **Where is the property located?**
   The northern half of the now-vacated Chestnut Street between Boonville and Campbell, and an area used as a parking lot by Gannett Missouri Publishing (Springfield News-Leader) when it occupied the building at 651 N Boonville Ave. This parking lot was constructed on City-owned property by Gannett pursuant to a license agreement authorized by Special Ordinance 23957.

2. **Legal description.**
   See last section of staff report.

3. **Why doesn't the City of Springfield need the property anymore?**
   The City has no use for the parking spaces on City property and does not wish to maintain the parking spaces. The entrances to this area, the now-vacated Chestnut Street, is too close to Chestnut Expressway, and is less suitable for parking by the public.

4. **When was the current building erected?**
   The parking lot was erected in 2000 or 2001.

5. **Why was property acquired? What did the city originally intend to do with the property?**
   This area was deeded to the City by the Missouri Highway and Transportation Commission in 1986. It consisted of excess land acquired by the state (fee

simple by warranty deed, not just right-of-way) in the 1950s for the construction of Chestnut Expressway.

6. **Who will purchase property?**
   Springfield QOZ Self-Storage LLC, doing business as *Devon Self-Storage, the new owners of the News-Leader building, will be purchasing the property.*

DEPARTMENT COMMENTS:

1. CITY UTILITIES:
   CU has electric/gas/water in the area to be disposed of/vacated. Replacement easements will be needed. The exact dimensions of the easements needed are to be determined.

2. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:
   There is public sewer located in the proposed disposal. The sewer main east of manhole number N19SW073 does not serve any other properties. 605 N Boonville is served from the public main south of Tampa. Since the sewer main in Chestnut St. east of manhole N19SW073 is not used by anyone else, Environmental Services is willing to relinquish the sewer in Chestnut St. east of manhole number N19SW073 to private maintenance. Need to insert language in the agreement that specifies that this section of sewer main will no longer be maintained by Env. Services.

   Need to reserve a sanitary sewer easement from manhole 73 to the north, a minimum of 7.5' wide. Refer to the markup on the Disposal Diagram for reference.

3. DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:
   No comment.

STAFF ANALYSIS AND RECOMMENDATION:

1. The subject property is within the city limits of the City of Springfield.

2. The proposed disposal will not adversely affect City of Springfield's operations.

3. The disposed property will be purchased by the adjacent property owner, Springfield QOZ Self-Storage LLC, doing business as Devon Self-Storage.

4. Replacement easements are to be dedicated for utilities within Chestnut Street at closing following City Council approval.

5. A replacement sewer easement will either be dedicated at closing, or the line will become privately maintained by the property owner.

DEVELOPMENT REVIEW STAFF REPORT

STAFF RECOMMENDATION:

1. Staff recommends approval based on the finding of facts above.

PLANNING AND ZONING OPTIONS:

1. Recommend that the request to dispose is determined to be generally consistent with the master plan (Comprehensive Plan Forward SGF).
2. Recommend that the request to dispose is determined to be not consistent with the master plan (Comprehensive Plan Forward SGF).

DEVELOPMENT REVIEW STAFF REPORT

LEGAL DESCRIPTION:

A PART OF THE GRANTOR'S LAND AS RECORDED IN A QUIT-CLAIM DEED IN BOOK 1931 AT PAGE 354, AND A PART OF CHESTNUT STREET VACATION RECORDED IN BOOK 2769 AT PAGE 1063, IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IS DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 02 DEGREES 16 MINUTES 07 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1308.30 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 35 SECONDS EAST, A DISTANCE OF 16.87 FEET TO THE SOUTHWEST CORNER OF SAID CHESTNUT STREET VACATION, ON THE EAST RIGHT-OF-WAY LINE OF CAMPBELL AVENUE; THENCE NORTH 02 DEGREES 51 MINUTES 00 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE OF CAMPBELL AVENUE, A DISTANCE OF 17.52 FEET, TO THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID CHESTNUT STREET VACATION, FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 02 DEGREES 51 MINUTES 00 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 47.70 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 39 SECONDS EAST, A DISTANCE OF 393.12 FEET, TO THE WEST RIGHT-OF-WAY LINE OF BOONVILLE AVENUE; THENCE SOUTH 01 DEGREES 51 MINUTES 54 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 46.86 FEET, TO SAID SOUTH LINE OF THE NORTH ONE-HALF OF SAID CHESTNUT STREET VACATION; THENCE NORTH 89 DEGREES 01 MINUTES 17 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 397.00 FEET TO THE POINT OF BEGINNING. BEARINGS ARE BASED ON MISSOURI STATE PLANE COORDINATE SYSTEM 1983, CENTRAL ZONE.

CONTAINING 18,662 SQUARE FEET, MORE OR LESS.