



City of Springfield

Agenda

City Council

Ken McClure, Mayor

Zone Councilmembers

Monica Horton, Zone 1

Abe McGull, Zone 2

Brandon Jenson, Zone 3

Matthew Simpson, Zone 4

General Councilmembers

Heather Hardinger, General A

Craig Hosmer, General B

Callie Carroll, General C

Derek Lee, General D

February 26, 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. The February 12, 2024, City Council Meeting minutes will be presented for approval at the March 11, 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.

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

6. SECOND READING AND FINAL PASSAGE.

Citizens Have Spoken. May Be Voted On.

- 6.1. Council Bill 2024-007 (Carroll) **This item was postponed from the January 22, 2024, City Council Meeting until the February 26, 2024, City Council Meeting.**
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 2024-027 (Simpson)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 38.5 acres of property generally located at 2730 East Farm Road 188 from Planned Development No. 288 to R-SF, Residential Single Family; and adopting an updated Official Zoning Map. (By: Center Court, LLC; 2730 E. Farm Road 188; Z-3-2024).

6.3. Council Bill 2024-028 (Jenson)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.4 acres of property generally located at 3961 South Campbell Avenue from GR, General Retail to HC, Highway Commercial with Conditional Overlay District No. 248, and adopting an updated Official Zoning Map. (By: CONSPLO, LLC; 3961 S. Campbell Avenue; Z-4-2024 w/ Conditional Overlay District No. 248).

6.4. Council Bill 2024-029 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1 acre of property generally located at 701 West Wall Street from HM, Heavy Manufacturing to CC, Center City District; and adopting an updated Official Zoning Map. (By: City of Springfield; 701 W. Wall Street; Z-5-2024).

6.5. Council Bill 2024-030 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.36 acres of property generally located at 1137 and 1141 East Delmar Street from R-SF, Residential Single-family district, within Phelps Grove Urban Conservation District No. 4, to Planned Development No. 387; and adopting an updated Official Zoning Map. (By: MSU Housing, LLC & Faucett & Bates Properties, LLC; 1137 and 1141 East Delmar Street; Planned Development No. 387).

6.6. Council Bill 2024-031 (McGull)

A general ordinance vacating a portion of public right-of-way located in the 1000 block of South Florence Avenue upon the occurrence of certain conditions. (By: Faucett & Bates Properties, LLC; 1000 block of South Florence Avenue, directly east of 1141 E. Delmar Street; Vacation No. 833).

6.7. Council Bill 2024-032 (Hardinger)

A special ordinance amending the General Fund budget for the City of Springfield, Missouri, for Fiscal Year 2023-2024, by appropriating the remaining, accumulated carryover funds from Fiscal Year 2022-2023 and increasing expenses in the amount of \$6,485,810.

6.8. Council Bill 2024-033 (Lee)

A special ordinance authorizing a budget adjustment amending the budget of the Police Department for Fiscal Year 2023-2024 in the amount of \$1,802,250 to appropriate reserves from the Law Enforcement Sales Tax Fund for replacement of the roof of the Police annex, replacement of windows at the Police headquarters, and providing additional funding for the Police firing range.

6.9. Council Bill 2024-034 (Carroll)

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

6.10. Council Bill 2024-035 (Hosmer)

A general ordinance authorizing the City Manager, or designee, to execute utility easement(s) to Southwest Electric Cooperative as needed for expansion and relocation of transmission and distribution systems required for operation of the City's landfill; and to enter into a service agreement with Southwest Electric Cooperative for electric service.

6.11. Council Bill 2024-036 (Simpson, Carroll, McGull, Hardinger)

A special ordinance amending Special Ordinance 27834 to revise funding appropriated for continuing COVID-19 services; amending the budget for Fiscal Year 2023-2024 to appropriate funds from the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, for the Council of Churches of the Ozarks, Inc., congregate shelter proposal in the amount of \$1,100,000 as recommended by the City Council American Rescue Plan Act of 2021 Review Committee; authorizing the City Manager, or designee, to enter into a funding agreement with the Council of Churches of the Ozarks, Inc; and authorizing the City Manager, or designee, to enter into an amended agreement with Forvis, LLP, for the purpose of providing grant compliance services and subrecipient monitoring services.

7. RESOLUTIONS.

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 2024-039 (Simpson)

A special ordinance approving a Petition to Establish the Sunshine Towne Centre Community Improvement District; authorizing the City Manager, or designee, to execute a Cooperative Agreement between the City of Springfield, the Sunshine Towne Centre Community Improvement District, and Springfield West Partners, LLC; and directing the City Clerk to notify the Missouri Department of Economic Development and the Missouri State Auditor of the creation of the District.

13. FIRST READING BILLS.

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

14.1. Christopher Cross wishes to address City Council.

14.2. Michael A. Jenkins wishes to address City Council.

14.3. Sean Carrell wishes to address City Council.

14.4. Katie Anerson wishes to address City Council.

14.5. Isabelle Jimenez Walker wishes to address City Council.

14.6. Todd Thomas wishes to address City Council.

14.7. Jai Byrd wishes to address City Council.

14.8. Rusty Worley wishes to address City Council.

14.9. Sharon Lawson wishes to address City Council.

14.10. John Devecsaee wishes to address City Council.

14.11. EJ Allen wishes to address City Council.

14.12. John Siegrisc wishes to address City Council.

14.13. Jordan Hensley wishes to address City Council.

14.14. Sarah Barnts wishes to address City Council.

14.15. Alice Barber wishes to address City Council.

14.16. Daniel Gore wishes to address City Council.

14.17. Andrew Nolen wishes to address City Council.

15. NEW BUSINESS.

15.1. Refer Review of Short-Term Rental Policies to the Plans and Policies Committee.

16. UNFINISHED BUSINESS.

17. MISCELLANEOUS.

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

18.1. Council Bill 2024-040 (Hardinger)

A special ordinance authorizing an agreement between the City of Springfield, City Utilities, Greene County, and Jasper County Emergency Services for the purpose of providing law enforcement and public safety communications through the Trunked Radio System; and authorizing the City Manager, or designee, to execute said Agreement.

19. CONSENT AGENDA – ONE READING BILLS.

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

20.1. Council Bill 2024-037 (McClure)

A special ordinance authorizing the City Manager, or designee, to accept a grant from the Community Foundation of the Ozarks to cover the costs of decor and furnishings for Santa's House at Park Central Square in the amount of \$2,500.

20.2. Council Bill 2024-038 (Carroll)

A special ordinance authorizing the City Manager, or designee, to accept a grant from the Gary Sinise Foundation, in the amount of \$35,000, to be used by the Springfield Police Department for officer wellness initiatives; and amending the budget of the Police Department.

20.3. Confirm the following appointment to the Mayor's Commission for Children: Christen Davis with term to expire November 29, 2025.

20.4. Confirm the following appointment to the Land Clearance for Redevelopment Authority: Steven Jackson with term to expire March 1, 2027.

- 20.5. Confirm the following appointment to the Board of Equalization: Kaeli Burkett with term to expire April 1, 2026.
- 20.6. Confirm the following appointment to the Landmarks Board: Wanda Quintana with term to expire November 1, 2026.
- 20.7. Confirm the following appointments to the Personnel Board: Robert Brown and Michael Jarvis with terms to expire March 1, 2026.
- 20.8. Confirm the following appointment to the Personnel Board: David Coonis with term to expire March 1, 2025.
- 20.9. Confirm the following appointment to the Personnel Board: Lyn McKenzie with term to expire March 1, 2027.
- 20.10. Confirm the following appointment to the Planning and Zoning Commission: Randall Doennig with term to expire January 1, 2025.

21. END OF CONSENT AGENDA.

22. ADJOURN.



EXPLANATION TO COUNCIL BILL 2024-007 (CARROLL) THIS ITEM WAS POST

FILED: 01/23/2024

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: ZONING ORDINANCE TEXT AMENDMENT: CONDITIONAL USE PERMIT TEXT AMENDMENT

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
4. CB 2024-007 - Substitute final

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

1 AMENDING Chapter 36 of the Springfield City Code, known as the 'Land
2 Development Code,' Article III, 'Zoning Regulations,' Division 7,
3 Sections 36-363, Conditional use permits and 36-368, Publication and
4 Posting of Notices for the purpose of allowing City Council to add,
5 modify, or remove conditions to a Conditional Use Permit. (Staff
6 recommends approval; the Planning and Zoning Commission
7 recommends denial.)
8
9

10 WHEREAS, the City Council initiated amendments to Sections 36-363 and 36-
11 368 of the Springfield City Code at its meeting on March 6, 2023; and
12

13 WHEREAS, the proposed amendments would allow City Council to add, modify,
14 or remove conditions to a Conditional Use Permit without requiring the matter be
15 remanded to the Planning and Zoning Commission; and
16

17 WHEREAS, following proper notice, the Planning and Zoning Commission held a
18 public hearing regarding the proposed amendments to Sections 36-363 and 36-368 on
19 November 9, 2023, a copy of the Record of Proceedings from said public hearing being
20 attached hereto and incorporated herein by this reference as "Exhibit A," and at its
21 meeting on November 30, 2023, recommended denial of the proposed changes; and
22

23 WHEREAS, City Council now desires to adopt the proposed changes to Sections
24 36-363 and 36-368 contained in this Ordinance.
25

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

29 Section 1 – Chapter 36 of the Springfield City Code, known as the 'Land
30 Development Code,' Article III, 'Zoning Regulations,' Division 3, 'Administration,
31 Enforcement, and Review,' Section 36-350, 'Planning and zoning commission,' is
32 hereby amended to read as follows:
33

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 hearing 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.

(56) *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.

(67) *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.

(78) *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.

(89) *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.

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

265
266 Section 4 – This Ordinance shall be in full force and effect from and after
267 passage.

268
269 Passed at meeting: _____

270
271 _____
272 Mayor

273
274 Attest: _____, City Clerk

275
276 Filed as Ordinance: _____

277
278 Approved as to form: C. H., Assistant City Attorney

279
280 Approved for Council action: Juan P. Hage, City Manager
281
282

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.

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

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 scenario 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 public 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 this 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**

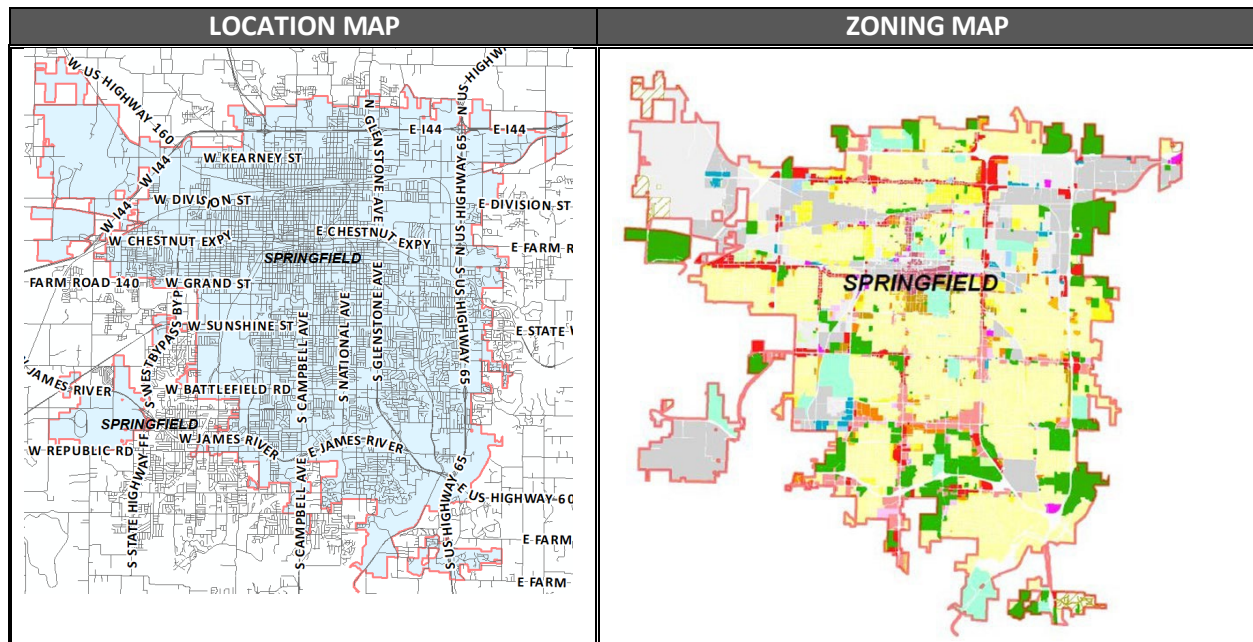


Bob Hosmer, AICP
Planning Manager

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.



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.

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

DEVELOPMENT REVIEW STAFF REPORT

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.*

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.

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.

DEVELOPMENT REVIEW STAFF REPORT

- (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 hearing 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.

DEVELOPMENT REVIEW STAFF REPORT

- ~~(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.~~
- (56) *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.
- (67) *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.
- (78) *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:

DEVELOPMENT REVIEW STAFF REPORT

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.

(89) *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).

One-rdg. _____
P. Hrngs. _____
Pgs. 30
Filed: 01-02-24

Sponsored by: Carroll

First Reading: _____

Second Reading: _____

COUNCIL BILL Substitute 2024-007

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, known as the 'Land
2 Development Code,' Article III, 'Zoning Regulations,' Division 3,
3 'Administration, Enforcement, and Review,' Subdivision III, 'Review,
4 Appeals, and Amendments,' Section 36-363, 'Conditional use permits,'
5 and Section 36-368, 'Publication and posting of notices,' for the
6 purpose of allowing City Council to modify or remove conditions to a
7 conditional use permit.
8
9

10 WHEREAS, the City Council initiated amendments to Sections 36-363 and 36-
11 368 of the Springfield City Code at its meeting on March 6, 2023; and
12

13 WHEREAS, the original proposed amendments would allow City Council to add,
14 modify, or remove conditions to a conditional use permit without requiring the matter be
15 remanded to the Planning and Zoning Commission; and
16

17 WHEREAS, following proper notice, the Planning and Zoning Commission held a
18 public hearing regarding the original proposed amendments to Sections 36-363 and 36-
19 368 on November 9, 2023, a copy of the Record of Proceedings from said public
20 hearing being attached hereto and incorporated herein by this reference as "Exhibit A,"
21 and at its meeting on November 30, 2023, recommended denial of the original proposed
22 amendments; and
23

24 WHEREAS, having amended the original proposed amendments and remanded
25 the matter to the Planning and Zoning Commission for further public hearing and
26 recommendation, a copy of the Record of Proceedings from said public hearing being
27 attached hereto and incorporated herein by this reference as "Exhibit B," City Council
28 now desires to adopt the revised proposed amendments to Sections 36-363 and 36-368
29 contained in this Ordinance.
30

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

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,’ Subdivision III, ‘Review, Appeals, and Amendments,’ Section 36-363, ‘Conditional use permits,’ is hereby amended to read as follows:

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

80 authorization for the applicant to act in his behalf.

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

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

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87 (e) A description of the proposed conditional use.

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

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

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

99
100 (i) A statement as to how the proposed conditional use is to be designed,
101 arranged and operated in order to ensure that development and use of
102 neighboring property in accordance with the applicable district regulations
103 will not be prevented or made unlikely, and that the value, use and
104 reasonable enjoyment of such property will not be impaired or adversely
105 affected.

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

110
111 (4) Planning and zoning commission hHearing on conditional use permit
112 application. After the director of planning and development, or designee, has
113 certified to the planning and zoning commission that a conditional use permit
114 application is complete and does not contain or reveal violations of this article or
115 other applicable law, the planning and zoning commission shall hold a public
116 hearing on the application. Notice of this hearing shall be given in the manner
117 and form required by section 36-368 of this article. After this hearing, the
118 planning and zoning commission shall recommend that the city council grant or
119 deny the conditional use permit application. When recommending that the
120 council grant a conditional use permit application, the planning and zoning
121 commission may recommend that the council impose conditions, safeguards,
122 and restrictions that the planning and zoning commission believes necessary to

123 comply with the standards set out in subsection (10) of this section ~~A public~~
124 ~~hearing on an application for a conditional use permit shall be held and notice~~
125 ~~thereof given in the manner and form required by section 36-368, publication~~
126 ~~and posting of notices, of this article. No public hearing on a conditional use~~
127 ~~permit application shall be held unless the director of planning and development,~~
128 ~~or his duly designated delegate, has certified to the planning and zoning~~
129 ~~commission that the application is complete and does not contain or reveal~~
130 ~~violations of this article or other applicable regulations. The planning and zoning~~
131 ~~commission shall transmit to the city council its recommendation containing~~
132 ~~specific findings of fact on the proposed conditional use without unreasonable~~
133 ~~delay, and in all cases, within 30 days from said hearing. The executive~~
134 ~~secretary of the planning and zoning commission shall maintain complete~~
135 ~~records of all actions of the commission and the city council with respect to~~
136 ~~applications for conditional use permits.~~

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

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

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156 ~~(56) *City council hearing on conditional use permit application.* After receipt~~
157 ~~of the planning and zoning commission's recommendation on the conditional~~
158 ~~use permit application, the city council shall hold a public hearing on the~~
159 ~~application. Notice of this hearing shall be given in the manner and form~~
160 ~~required by section 36-368 of this article. At this hearing, the city council shall~~
161 ~~consider the application, together with the planning and zoning commission's~~
162 ~~recommendations on the application. After this hearing, the city council may~~
163 ~~grant or deny the conditional use permit application as recommended by the~~
164 ~~planning and zoning commission. The city council may also modify or delete~~
165 ~~any conditions, safeguards, or restrictions recommended by the planning and~~
166 ~~zoning commission that the city council believes unnecessary for the conditional~~
167 ~~use to comply with the standards set out in subsection (10) of this section and~~

grant the conditional use permit without remanding the application to the planning and zoning commission. The city council may also amend a bill granting approval of a conditional use permit to add any conditions, safeguards, or 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 and remand the application to the planning and zoning commission for further public hearing and recommendation as to the additional conditions, safeguards, or restrictions. All additional conditions, safeguards, and restrictions imposed by the city council shall be set out in the amended bill granting approval of a conditional use permit prior to remand of the application to the planning and zoning commission. After receipt of the planning and zoning commission's recommendation as to the additional conditions, safeguards, and restrictions imposed by the city council, no application shall be subject to additional remand, unless the city council further amends the bill granting approval of a conditional use permit to add conditions, safeguards, or restrictions not previously considered at any previous public hearing of the planning and zoning commission.

(67) *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.

(78) *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.

(89) *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:

(a) With respect to all proposed conditional uses, to the extent applicable:

1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;

3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare;
11. The proposed conditional use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;

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13. The proposed conditional use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance;
 14. The proposed conditional use otherwise complies with all applicable regulations of this article, including lot size requirements, bulk regulations, use limitations and performance standards;
 15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;
 16. Off-street parking and loading areas will be provided in accordance with the standards set out in sections 36-455, 36-456, and 36-483 of this article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect;
 17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;
 18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel;
 19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;
 20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield;
 21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- (b) With respect to conditional use permit applications for the uses listed below, the proposed conditional use will, in addition, comply with the restrictions following each use.

351 1. Towers exceeding 100 feet in height.
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353 a. Purpose. The purpose of these restrictions is to:
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- 355 (i) Minimize the adverse effects of towers on aesthetic and
356 property values through careful design, siting and vegetative
357 screening;
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359 (ii) Avoid potential damage to adjacent properties from tower
360 failure and falling ice through engineering and careful siting of
361 tower structures;
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363 (iii) Lessen traffic impacts on local streets;
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365 (iv) Maximize use of existing towers to reduce the number of
366 towers needed; and
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368 (v) Allow new towers in the center city area, as defined herein,
369 only if a comparable site is not available outside the center city
370 area.
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372 b. Applicability. In all districts where towers are permitted a principal
373 or accessory uses, a conditional use permit shall be required
374 where:
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- 376 (i) The tower exceeds 100 feet in height; or
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378 (ii) the tower is on a building, exceeds 20 feet in height, as
379 measured from the top of the building, and the combined
380 height of the building and tower exceeds 100 feet.
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382 c. Exemptions. An antenna and tower for the following uses are
383 exempt from these requirements and are permitted uses in any
384 district if accessory to a permitted use and if they comply with the
385 applicable regulations of the district in which situated:
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- 387 (i) Ham radios; and
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389 (ii) Citizen band radios.
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391 d. Approval standards. All applications for a conditional use permit
392 for a tower shall comply with the following requirements. Site
393 includes all property described by the legal description submitted
394 with the conditional use permit application and may be only part
395 of a larger parcel.
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- (i) Structures shall be set back from adjoining residential-zoned property, public property, or streets sufficient to:
- A. Contain on-site substantially all ice-fall or debris from tower failure;
 - B. Preserve the privacy of adjoining residential-zoned property. The site is of sufficient size to comply with this standard if:
 - i. Accessory structures comply with the setback standards in the zoning district;
 - ii. The tower base is set back from adjoining residential-zoned property, public property or a street by a distance equal to 50 percent of the height of the tower up to 100 feet, plus one foot for each foot over 100 feet in height, unless the tower is designed for collocation of at least two additional carriers in which case the setbacks for structures in the zoning district where the tower is located shall be complied with, or the distance between the tower base and guy wire anchors, whichever is greater;
 - iii. The tower is set back from adjoining land in other districts by the rear yard setback required in the adjoining district;
 - iv. Guy wire anchors are set back at least 25 feet from an adjoining residential-zoned property, public property or a street; and
 - v. Guy wire anchors are set back at least the rear yard setback from adjoining land in other districts.
 - C. Setback requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located.
- (ii) The tower shall be set back from other on- and off-site towers and supporting structures far enough so one tower will not strike another tower or support structure if a tower or support structure fails.
- (iii) The tower shall have the least practicable adverse visual effect on the environment. A tower complies with this standard if it has a galvanized finish, is painted silver, or, if constructed of aluminum remains unfinished and is not artificially lighted,

443 unless state or federal regulations require certain painting or
444 lighting standards. If there is an existing building or proposed
445 building on the site of the proposed tower, every attempt shall
446 be made to place the tower so that the building is located
447 between the tower and the adjoining street or to incorporate
448 the tower in the design of the building to reduce the visual
449 impact of the tower. If more than one street adjoins the
450 proposed site, the building should be sited between the tower
451 and the street with the highest functional street classification
452 as designated by the major thoroughfare plan. If two or more
453 streets have the same functional street classification, the
454 building should be sited between the tower and the street with
455 the highest current traffic volumes.
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457 (iv) Existing on-site trees and shrubs shall be preserved to the
458 maximum extent practicable.
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460 (v) Where the tower base or related facilities are located within
461 300 feet of residential-zoned property, public property or a
462 street without an intervening building, the tower base and
463 related facilities shall be landscaped as follows:
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465 A. For all towers:
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467 i. At least one row of evergreen shrubs spaced not more
468 than five feet apart and capable of forming a continuous
469 hedge at least five feet in height within two years of
470 planting shall be located within 20 feet of the tower base
471 and related facilities to provide a screen from residential-
472 zoned property, public property or a street.
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474 ii. At least one row of evergreen trees or shrubs, at least
475 four feet high when planted and spaced not more than 15
476 feet apart shall be located within at least 50 feet of the
477 tower base and related facilities.
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479 B. For a tower greater than 200 feet tall, at least one row of
480 deciduous trees, not less than one and one-half inches
481 diameter measured three feet above grade, and spaced not
482 more than 20 feet apart and located within 75 feet of the
483 tower base and related facilities.
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485 C. Vegetation, topography, walls, fences and features other
486 than those required above may be used or the plantings
487 required above may be located elsewhere on the site or the

larger parcel of which the site is a part if the city council finds they:

- i. Achieve about the same degree of or greater screening as the plantings required above;
- ii. Affect the stability, security, or maintenance of guy wires;
- iii. Are needed for surveillance and security of structures; or
- iv. Are used for continued operation of a forest or agricultural uses.

D. If city council finds the planting requirement specified above would serve no useful purpose, the requirement may be waived provided the applicant pays a fee-in-lieu equal to the developer's cost for purchasing and installing similar plantings. Such fee shall be paid in cash or cashier's check and shall be used to purchase and install plantings in public rights-of-way, parks, and schools as identified in the city's capital improvement program.

E. All plant material shall be tended and maintained in a healthy growing condition and replaced when diseased, irreparably damaged, or dead. The buffer yard required above shall be planted in lawn unless ground cover is already established and shall be kept neat, clean and free from litter, debris, and noxious weeds.

(vi) Traffic associated with the facility shall not adversely affect adjoining streets. Vehicular access shall be limited to a major street if the site adjoins both a major and local street.

(vii) At least two off-street parking spaces and one additional space for each two on-site personnel shall be provided unless more than 30 spaces already exist on the same premises and use of such spaces for tower personnel is available and authorized by the owner of the premises. Parking shall be screened in accordance with section 36-480, screening and fencing.

(viii) A tower shall be sited outside of Central Springfield unless it is demonstrated:

Sites outside the center city will not accommodate the proposed tower, considering size, topography and physical features; or

The proposed equipment or its equivalent on a tower outside the center city cannot function effectively or at least in parity with other similar equipment in place or approved by the Springfield City Council.

For the purposes of these restrictions, the Central Springfield is defined as the area of Springfield containing the central business district and most of the historically and architecturally significant resources of the city, specifically defined by the south boundary of the railroad right-of-way north of Commercial Street on the north, Glenstone Avenue on the east, Grand Street on the south and Kansas Expressway on the west.

Planned equipment will cause RF interference with other existing or planned equipment for that tower, and the interference cannot be prevented at a reasonable cost.

e. Application contents. An application for approval of a new transmission tower shall include:

- (i) A site plan drawn to scale and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; and uses, structures, and land-use designations on the site and adjoining parcels;
- (ii) A plan drawn to scale showing proposed landscaping, including species type, size, spacing and other features; and
- (iii) Evidence that the planned transmission facilities cannot be accommodated on an existing or approved tower and that the planned tower cannot be accommodated on an existing or approved tower site. The city council may consider expert testimony to determine whether other towers or sites could accommodate the planned facilities and whether fees and costs associated with the use of an existing or planned tower or site are reasonable.

f. Conflict with FCC or FAA regulations. In the event there is a conflict between these regulations and Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations, the FCC or FAA regulations shall govern.

2. Bed and breakfasts.

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- 581 a. Purpose. The purpose of these requirements is to minimize any
- 582 possible adverse effects of a bed and breakfast on the
- 583 surrounding neighborhood while providing opportunities to make
- 584 better use of existing housing, particularly larger, older houses
- 585 located on major streets.
- 586
- 587 b. Approval standards. All applications for a conditional use permit
- 588 for bed and breakfasts shall comply with the following
- 589 requirements.
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- 591 (i) The use shall front on a primary arterial street, if the property is
- 592 zoned R-SF, or on a collector street, if the property is zoned
- 593 another zoning district, or a street with a higher functional
- 594 classification as designated by the major thoroughfare plan.
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- 596 (ii) There shall be a maximum of five guest rooms in the bed and
- 597 breakfast.
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- 599 (iii) The bed and breakfast shall be located in an existing structure,
- 600 i.e. additions shall not be built to provide bed and breakfast
- 601 rooms nor shall a new structure be built expressly for a bed
- 602 and breakfast.
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- 604 (iv) No exterior alterations that would change the single-family
- 605 character of the bed and breakfast, other than those necessary
- 606 to ensure the safety of the structure, shall be made.
- 607
- 608 (v) No residential structure shall be removed for parking or to
- 609 expand the bed and breakfast.
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- 611 (vi) Only short-term lodging shall be permitted, no monthly
- 612 rentals.
- 613
- 614 (vii) There shall be no individual cooking facilities.
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- 616 (viii) The facilities shall not be rented for receptions, parties,
- 617 weddings or similar activities unless potential negative impacts,
- 618 including, but not limited to, traffic, parking, and noise, have
- 619 been addressed and the activity is specifically permitted in the
- 620 use permit.
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- 622 (ix) One additional paved parking space per guest room shall be
- 623 provided in the rear yard. Parking shall be screened in
- 624 accordance with section 36-480, screening and fencing.
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(x) The operator shall live at the bed and breakfast.

(xi) Only resident guests shall be served meals.

(xii) Only one non- illuminated sign no larger than 25 square feet shall be permitted.

(xiii) A business license shall be obtained annually and the owner shall verify that the conditions of the conditional use permit are still being met.

(xiv) No bed and breakfast shall be located within 500 feet of another bed and breakfast as measured along continuous public street rights-of-way from all streets abutting the bed and breakfast property, nor shall a bed and breakfast be located on property that abuts property on which another bed and breakfast is located.

3. Jails, prisons, and detention facilities.

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

(i) Disperse such facilities in order to avoid concentration of uses that can have a negative effect on adjoining property values;

(ii) Avoid locating such facilities in close proximity to incompatible land uses; and

(iii) Ensure that such facilities are operated in a responsible manner.

b. Approval standards. All applications for a conditional use permit for a jail, prison or detention facility shall comply with the following requirements.

(i) The facility shall not be located within a 2,000-foot radius, as measured from property lines, of another jail, prison or detention facility, or community corrections facility. However, a jail and a community corrections facility may locate within 2,000 feet of each other if they are located on the same property as each other, and owned and operated by the same person or entity.

(ii) The facility shall not be located within 750 feet, as measured from property lines, of an elementary or secondary school, park or residential district.

(iii) The facility shall be approved by the State of Missouri or other appropriate governmental agency.

4. Adaptive use of nonresidential structures in residential districts.

a. Purpose. The purpose of these regulations is to allow for the use of structures, originally constructed for nonresidential uses and currently located in residential districts, for selected nonresidential, multiple unit residential and mixed nonresidential and residential uses provided the review by the planning and zoning commission and city council determines the proposed use would not have significant adverse impacts on the surrounding neighborhood. The regulations provide opportunities to make productive use of nonresidential structures that could otherwise be a blight on the neighborhood if left vacant and are not maintained.

b. Permitted uses. The following uses may be permitted by a conditional use permit; however, a conditional use permit shall only be approved for the specific use requested in the application. A change to a use not specifically listed in the conditional use permit shall require a new application and review.

(i) Beauty parlors and barber shops.

(ii) Day care centers, in accordance with chapter 36, article XI, Springfield City Code.

(iii) Dry cleaning and laundry pick-ups.

(iv) Elementary and secondary schools and schools or development centers for persons with handicaps or development disabilities.

(v) Hearing aid and eye glass shops.(vi)Museums, art galleries and libraries.

(vii) Pet grooming with sales of pet grooming products allowed as an accessory use (the following are not accessory to this use and are prohibited: overnight pet stays, the sale of breeding of pets, kennels, veterinarian services and outside activities).

- (viii) Professional and business offices.
- (ix) Residential uses including multiple units, as part of a mixed use development or as a stand-alone use.
- (x) Retail establishments for the following uses: bakery, books, candy, flowers, gifts, and hobby materials.
- (xi) Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.
- (xii) Shoe repair.
- c. Approval standards. All applications for a use permit for the uses listed above shall comply with the following requirements:
- (i) Hours during which the establishment is open to the public shall be limited to a daily period extending from 7:00 a.m. to 6:00 p.m. unless specifically modified by the conditional use permit. The applicant shall demonstrate that additional hours are necessary and will not have an adverse impact on adjoining properties.
- (ii) Signage shall be limited to one free-standing sign with a maximum sign area of 20 square feet and wall signs with a maximum sign area of ten percent of the facade. Wall signs shall only be located on facades with street frontage. Signs shall not be internally lit or externally illuminated by any means unless specifically modified by the conditional use permit. The applicant shall demonstrate that lighting of signs is necessary and will not have an adverse impact on adjoining properties or those using the public rights-of-way.
- (iii) Expansions not to exceed 20 percent of the existing floor area of the structure or 1,000 square feet, whichever is less, may be approved at the time the conditional use permit is granted.
- (iv) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
- A. The functional classification of the street on which the site is located;

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763 B. The surrounding residential densities;
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765 C. The location, nature, and height of buildings, structures,
766 walls and fences on site;
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768 D. The amount of parking needed for the proposed use and the
769 amount of parking provided on site; and
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771 E. The nature and extent of landscaping and screening on the
772 site.
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774 d. Damage or destruction. In the event that the principal building or
775 structure on the property is damaged or destroyed, by any means,
776 to the extent of more than 75 percent of the replacement cost of
777 the building or structure at the time such damage occurred, such
778 building or structure shall not be restored unless it shall thereafter
779 conform to the regulations for the zoning district in which it is
780 located and the property shall not continue to be used for the
781 uses permitted by the provisions of this section.
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783 5. Overnight and transitional service shelters and soup kitchens.
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785 a. Purpose. The purpose of these regulations is to:
786

787 (i) Provide opportunities for operation of overnight and transitional
788 service shelters and soup kitchens while dispersing such
789 facilities in order to avoid concentration of uses that can have
790 a negative effect on adjoining property values and uses and to
791 avoid stigma to the clients of such facilities based on a
792 perception of any particular location of the city;
793

794 (ii) Avoid locating such facilities in close proximity to incompatible
795 or hazardous land uses; and
796

797 (iii) Ensure that such facilities are operated in a responsible
798 manner for the needs of the clients and surrounding land uses
799 by minimizing any possible adverse effects on the surrounding
800 neighborhood.
801

802 b. Approval standards. All applications for a conditional use permit
803 for overnight and transitional service shelters and soup kitchens
804 shall describe the type of service intended to be delivered at
805 that location and comply with the following requirements.
806

- (i) The use shall front on a primary or secondary arterial street, if the property is zoned restricted industrial (RI), light industrial (LI), general manufacturing (GM), or heavy manufacturing (HM), or on a collector street or a street with a higher functional classification as designated by the major thoroughfare plan in any other district where permitted.
- (ii) There shall be a maximum occupancy of 50 beds for overnight shelters in all districts.
- (iii) Only residents of the shelter shall be served meals unless a soup kitchen is specifically approved as an activity at the time of the application for a use permit.
- (iv) A business license shall be obtained annually and the owner shall verify that the conditions of the conditional use permit are still being met.
- (v) No overnight shelter or soup kitchen shall be located within 2,000 feet of another overnight shelter, soup kitchen, substance abuse treatment facility, or community corrections facility, or 2,000 feet from any transitional service shelter as measured from property lines.
- (vi) No transitional service shelter shall be located within 2,000 feet of transitional service shelters, overnight shelters, or soup kitchens, substance abuse treatment facilities, or community corrections facilities as measured from property lines.
- (vii) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
- A. The functional classification of the street on which the site is located; and
 - B. The surrounding residential districts; and
 - C. The location, nature and height of buildings, structures, walls and fences on site; and
 - D. The amount of parking needed for the proposed use and the amount of parking provided on site; and

853
854 E. The nature and extent of landscaping and screening on the
855 site; and
856

857 F. The number of visitor trips anticipated each day to the site
858 for services other than lodging, or lodging and meals for
859 clients of the shelter; and
860

861 G. The number of meals that will be served at a soup kitchen.
862

863 (viii) At least one off-street parking space for every three beds a
864 shelter is to be licensed or approved for or for every three
865 seats a soup kitchen is authorized for the serving of meals
866 except in those districts where there is no parking
867 requirement.
868

869 (ix) That adjacent uses do not involve the manufacture, storage, or
870 use of explosive compounds or combustibles which will pose a
871 threat of bodily harm to the clients and visitors of the shelter or
872 soup kitchen.
873

874 (x) Any structure is set back from adjoining land in other districts
875 by the rear yard setback required in the adjoining district.
876

877 (xi) Existing on-site trees and shrubs shall be preserved to the
878 maximum extent possible.
879

880 (xii) There will be no outside storage of equipment or materials or
881 outdoor operations except as specifically authorized by the
882 conditional use permit.
883

884 (xiii) In no event shall a certificate of occupancy be issued for an
885 overnight shelter, transitional service shelter or soup kitchen
886 herein if it is less than 1,000 feet from an elementary or
887 secondary school as measured from property lines.
888

889 6. Community corrections facilities.
890

891 a. Purpose. The purpose of these regulations is to:
892

893 (i) Provide opportunities for the operation of community
894 corrections facilities while dispersing such facilities in order to
895 avoid concentration of uses that can have a negative effect on
896 adjoining property values and uses;
897

- 898 (ii) Avoid locating such facilities in close proximity to residential,
899 school, museum and library uses;
900
901 (iii) Ensure that such facilities are operated in a responsible
902 manner for the needs of the clients and surrounding land uses
903 by minimizing any possible adverse effects on the surrounding
904 neighborhood.
905

906 b. Approval standards. All applications for a conditional use permit
907 for community corrections facilities shall describe the type of
908 service intended to be delivered at that location and comply with
909 the following requirements:
910

- 911 (i) There shall be a maximum occupancy of 65 beds for all
912 corrections facilities.
913
914 (ii) A business license shall be obtained annually and the owner
915 shall verify that the conditions of the conditional use permit are
916 still being met.
917
918 (iii) No community corrections facility shall be located within 2,000
919 feet of any other community corrections facility or any jails,
920 prisons or detention facilities, emergency shelters, soup
921 kitchens or substance abuse treatment facility as measured
922 from property lines. However, a jail and a community
923 corrections facility may locate within 2,000 feet of each other if
924 they are located on the same property as each other, and
925 owned and operated by the same person or entity.
926
927 (iv) No community corrections facility may be located in such close
928 proximity to a legal residential use so as to adversely impact
929 the residential use taking place. As a condition of the use
930 permit, city council may require a buffer yard and/or screening
931 to minimize the impact.
932
933 (v) No community corrections facility may be located within 750
934 feet of any elementary or secondary school, library, museum, o
935 or any residential zoning district.
936
937 (vi) The proposed conditional use shall not be operated so as to
938 dominate the immediate vicinity or to interfere with the
939 development and use of neighboring property in accordance
940 with the applicable district regulations. In determining whether
941 the proposed use will dominate the immediate neighborhood,
942 consideration shall be given to:
943

- 944 A. The functional classification of the street on which the site is
945 located; and
946
947 B. The surrounding residential districts and uses; and
948
949 C. The location, nature and height of buildings, structures,
950 walls and fences on site; and
951
952 D. The amount of parking needed for the proposed use and the
953 amount of parking provided on site; and
954
955 E. The nature and extent of landscaping and screening on the
956 site; and
957
958 F. The number of visitor trips anticipated each day to the site
959 by visitors, staff and residents; and
960
961 (vii) Any structure shall be set back from adjoining land in other
962 districts by the rear yard setback required in the adjoining
963 district.
964
965 (viii) Existing on-site trees and shrubs shall be preserved to the
966 maximum extent possible.
967
968 (ix) There will be no outside storage of equipment or materials or
969 outdoor operations except as specifically authorized by the
970 conditional use permit.
971

972 7. Marijuana and medical marijuana facilities.
973

974 a. Purpose. The purpose of these regulations is to:
975

- 976 (i) Permit legal sale of marijuana as set forth therein and provide
977 detailed obligations for establishing rules and regulations for
978 the manufacture, processing, infusing and sale, including
979 tracking, testing, security and background checks;
980
981 (ii) Avoid locating such facilities in close proximity to elementary
982 and secondary schools, churches and child day care center
983 uses;
984
985 (iii) Ensure that such facilities are operated in a responsible
986 manner for the needs of the clients and surrounding land uses
987 by minimizing any possible adverse effects on the surrounding
988 neighborhood.
989

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

(i) Unless otherwise permitted, no new marijuana or medical marijuana facility shall be sited, at the time of application for zoning approval, within 1,000 feet of any then-existing elementary or secondary school, child day care center, or church.

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

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

C. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

D. For purposes of this subsection, a "child day care center" means a child-care facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.

E. For purposes of this subsection, a "church" means a permanent building primarily and regularly used as a place or religious worship.

F. For purposes of this subsection, an "elementary or secondary school" means any public school, as defined in Section 160.011 RSMo., or any private school giving instruction in a grade or grades not higher than the 12th grade, but does not include any private school in which education is primarily conducted in private homes.

(ii) A business license shall be obtained annually, and the owner shall verify that the conditions of the conditional use permit are still being met.

(iii) The marijuana or medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

(iv) No marijuana or medical marijuana facilities shall be located in a building that contains a residence.

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

(vi) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:

A. The functional classification of the street on which the site is located; and

B. The surrounding residential districts and uses; and

C. The location, nature and height of buildings, structures, walls and fences on site; and

D. The amount of parking needed for the proposed use and the amount of parking provided on site; and

E. The nature and extent of landscaping and screening on the site; and

F. The number of trips anticipated each day to the site.

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

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

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

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

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

Section 2 – Chapter 36 of the Springfield City Code, known as the ‘Land Development Code,’ Article III, ‘Zoning Regulations,’ Division 3, ‘Administration, Enforcement, and Review,’ Subdivision III, ‘Review, Appeals, and Amendments,’ Section 36-368, ‘Publication and posting of notices,’ is hereby amended to read as follows:

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

(1) Board of adjustment. Prior to holding a public hearing on any appeal or application for a variance or a special exception, the board shall cause notice of the hearing by the following means:

(a) Notice of the hearing shall be posted by the applicant at least ten days prior to the hearing in conspicuous places on or in the immediate vicinity of the property which is the subject of the application. One sign shall be posted for each 150 feet of street frontage, or part thereof up to a maximum of three signs, provided at least one sign is posted on each frontage of the subject property. Further provided, for applications involving more than one block, one sign is required for each street bounding or contained within the area. The applicant must comply with standards and procedures provided and approved by the director of the planning and development

department and on file in the city clerk's office, regarding compliance with this section. Additional signs or alternate posting locations may be required at the discretion of the director of the planning and development department; and

- (b) Notices of the hearing shall be sent by first-class mail at least ten days prior to the hearing, to the owners of all real property, as shown on the records of the county assessor, adjacent to, or within 185 feet of the subject property.

(2) Planning and zoning commission.

- (a) Rezoning and conditional uses. Written notice of any public hearing before the planning and zoning commission with respect to rezoning or issuance of a conditional use permit, shall be given by the following means:

- 1. Notice of the hearing shall be published in an official newspaper or a newspaper of general circulation in the City of Springfield at least 15 days prior to the hearing.

- 2. Notice of the hearing shall be posted by the applicant at least ten days prior to the hearing in conspicuous places on or in the immediate vicinity of the property which is the subject of the application. One sign shall be posted for each 150 feet of street frontage, or part thereof, up to a maximum of three signs, provided at least one sign is posted on each frontage of the subject property. Further provided, for rezoning applications involving more than one block, one sign is required for each street bounding or contained within the area to be rezoned. The applicant must comply with standards and procedures provided and approved by the director of the planning and development department and on file in the city clerk's office, regarding compliance with this section. Additional signs or alternate posting locations may be required at the discretion of the director of the planning and development department.

- 3. Notices of the hearing shall be sent by first-class mail, at least ten days prior to the hearing, to the owners of all real property, as shown on the records of the county assessor, adjacent to or within 185 feet of the subject property.

- (b) Amendments to the text of the article. Prior to holding a public hearing on any proposed amendment to the text of the zoning ordinance, the secretary of the commission shall give written notice of the public hearing by publishing a notice thereof in an official

newspaper or a newspaper of general circulation in the City of Springfield at least 15 days prior to the public hearing.

(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).

(4) Establishment of urban conservation districts. Written notice of a public hearing on the proposed adoption of a resolution with respect to the creation of an urban conservation district shall be published at least 15 days prior thereto in an official newspaper or a newspaper of general circulation in the city.

(5) Landmarks board. Written notice of any public hearing before the landmarks board with respect to the establishment, modification, or elimination of any historic district or landmark, shall be given by the following means:

(a) Notice of the hearing shall be posted by the applicant at least ten days prior to the hearing in conspicuous places on or in the immediate vicinity of the property which is the subject of the application. One sign shall be posted for each 150 feet of street frontage, or part thereof up to a maximum of three signs, provided at least one sign is posted on each frontage of the subject property. The applicant must comply with standards and procedures provided and approved by the director of the planning and development department and on file in the city clerk's office, regarding compliance with this section. Further provided, for applications involving more than one block, one sign is required for each street bounding or contained within the area. Additional signs or alternate posting locations may be required at the discretion of the director of planning and development department; and

(b) Notices of the hearing shall be sent by first-class mail, at least ten days prior to the hearing, to the owners of all real property, as shown on the records of the county assessor, adjacent to or within 185 feet of the subject property.

(6) Content of notices. All written notices required by this section to be published or mailed shall contain all of the following information:

(a) The name of the applicant as it appears on the application.

(b) The name of the owner, if different from the applicant, as it appears on the application. If there are multiple owners, only three names shall be listed, and a complete list of property owners shall be

1220 available in the office of zoning and subdivisions.

1221
1222 (c) A street address or common description of the property involved.

1223
1224 (d) A concise and accurate description of the nature of the request.

1225
1226 (e) The date, time, and place of the public hearing.

1227
1228 (f) The place at which further information with respect to the request can
1229 be examined or copies thereof secured.

1230
1231 In addition to the above, all written notices that are published shall
1232 include a legal description of the property involved.

1233
1234 (7) Size and content of posted notices. Whenever written notice is required
1235 to be posted by subsections (1), (2), or (3), such notice shall be at least 30
1236 inches in height and 24 inches in width and shall contain in letters large enough
1237 to be readable from a distance of 50 feet the words "PUBLIC HEARING" and in
1238 addition the date, time, and place of the public hearing, and a telephone
1239 number where additional information can be secured.

1240
1241 (8) Substantial compliance. Requirements with respect to published, mailed,
1242 and posted notices of hearing are construed as directory and not mandatory,
1243 and any omission or failure to comply with such requirements shall not
1244 invalidate an ordinance or act of the City of Springfield.

1245
1246 (9) Neighborhood meetings.

1247
1248 (a) Development applications. Applicant(s) shall hold a neighborhood
1249 meeting prior to the planning and zoning commission public hearing
1250 on zoning map classification changes, planned developments,
1251 vacations of public right-of-way (that are not initiated by the city public
1252 works director) and conditional use permits.

1253
1254 1. A neighborhood meeting shall be held at least 21 days prior to the
1255 planning and zoning commission public hearing.

1256
1257 2. Notice of the meeting shall be sent by first-class mail, postage
1258 paid, at least ten days prior to the meeting, to at least one record
1259 owner of each real property within 500 feet of the development
1260 proposal, as shown on the records of the county assessor, and to
1261 the president or other association officer(s) of any neighborhood
1262 association(s) as on file with the director of planning and
1263 development.

1264
1265 3. It is recommended the meeting be held early enough to provide

time for the applicant to consider any neighborhood input, allow any changes to be evaluated by staff, and to resolve any issues if possible.

4. The mailing shall be performed by the planning and development department; however, the letters and envelopes themselves must be prepared, and postage placed on same by the applicant. The neighborhood letters shall be submitted to the planning and development department for mailing, one business day prior to the deadline as set forth in paragraph 2. A file copy of the letter shall be provided to the planning and development department. The notice letter shall contain the following at a minimum or any additional information as required by the director of planning and development:

- a. Description of existing conditions or zoning and proposed changes or proposed zoning.
- b. Meeting date, time and location.
- c. Applicant or their representative's contact information.
- d. Development review notice and comment cards.

5. The meeting shall be held on the property involved in the application or in the immediate vicinity. The meeting shall be scheduled from 4:00 to 6:30 p.m. 6. Following the neighborhood meeting and at least ten days prior to the planning and zoning commission public hearing, the applicant shall submit a summary of the meeting to the planning and development department using the following format as set forth below:

- a. Development application.
- b. Meeting date, time and location.
- c. Number of invitations that were sent and how the mailing list was generated.
- d. Number of neighbors in attendance with an attached sign-in sheet.
- e. List of issues raised, any verbal comments and how applicant plans to respond.
- f. Additional information, such as comment cards, letters from

1312 neighbors, shall be attached to the summary.

1313
1314 If the applicant does not submit the information listed above at
1315 least ten days prior to the planning and zoning commission public
1316 hearing, the application shall be considered incomplete and the
1317 commission shall table the case and may continue the public
1318 hearing to the next meeting or a later meeting agreed to by the
1319 applicant. The applicant shall be responsible for all fees related to
1320 notifying the neighbors that the application will automatically be
1321 tabled. This notice of tabling will be sent by the planning and
1322 development department.

1323
1324 Note: Language to be added is underlined, language to be removed is stricken and
1325 existing language is black

1326
1327 Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to
1328 affect any suit or proceeding now pending in any court or any rights acquired or liability
1329 nor any cause or causes of action accrued or existing, under any act or ordinance
1330 repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or
1331 affected by this Ordinance.

1332
1333 Section 4 – Severability Clause. If any section, subsection, sentence, clause, or
1334 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
1335 affect the validity of the remaining portions of this Ordinance. City Council hereby
1336 declares that it would have adopted the ordinance and each section, subsection,
1337 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
1338 sections, subsection, sentence, clause, or phrase be declared invalid.

1339
1340 Section 5 – This Ordinance shall be in full force and effect from and after
1341 passage.

1342
1343 Passed at meeting: _____

1344
1345 _____
1346 Mayor

1347
1348 Attest: _____, City Clerk

1349
1350 Filed as Ordinance: _____

1351
1352 Approved as to form: Ca H, Assistant City Attorney

1353
1354 Approved for Council action: Jason C. Hayes, City Manager
1356

EXPLANATION TO COUNCIL BILL 2024-027 (SIMPSON)

FILED: 02/15/2024

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 38.5 acres of property generally located at 2730 East Farm Road 188 from Planned Development No. 288 to R-SF, Residential Single Family; and adopting an updated Official Zoning Map. (By: Center Court, LLC; 2730 E. Farm Road 188; Z-3-2024).

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 38.5 acres of property generally located at 2730 East Farm Road 188 from Planned Development No. 288 to R-SF, Single-Family Residential District. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:
ZONING CASE NUMBER Z-3-2024

The applicant is requesting to rezone approximately 38.5 acres of property generally located at 2730 E. Farm Road 188 from Planned Development No. 288 to R-SF, Single-Family Residential District. The applicant intends to sell to a church. Church uses are not currently permitted in PD 288.

REMARKS: The Planning and Zoning Commission held a public hearing on January 11, 2024, 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. This application for R-SF is consistent with the Comprehensive Plan's Land Use & Development chapter which identifies the subject property as within the Traditional Neighborhood placetype. The primary use in this placetype is single-family detached which is a permitted use in the R-SF District. The current PD also allows for single-family detached uses in a higher density. The rezoning would also allow for non-residential uses such as churches, community gardens, police and fire stations, public and private parks, or elementary and secondary schools which are recommended in the Traditional Neighborhood placetype.

2. This application is consistent with the Traditional Neighborhood placetype which lists

single-family detached dwellings as a primary use. The current PD is also supported by the Comprehensive Plan.

3. The current zoning, Planned Development No. 288, allows single-family detached and semi-detached dwellings in all areas and in areas to the north and east, duplexes and townhomes at a maximum density of 8 dwelling units per acre. The R-SF district allows for single-family attached and semi-detached at 7 dwelling units per acre and does not allow for duplexes or townhomes. The PD also allows for smaller and narrower lots with a height limitation in some areas to two stories and other comparable to the R-SF District. The original intent for the current zoning was for a private gated residential subdivision.

4. The developer was also required to make roadway improvements such as dedicate additional right-of-way along Farm Road 188 (Evans Road) and Farm Road 175 to meet current standards, dedicate right-of-way triangles at street intersections, align interior streets with Thetford Rd to the north, construct sidewalk and provide trail easements to the common areas.

5. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.

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

7. The range of uses in the proposed R-SF district are compatible with the uses permitted on other property in the immediate vicinity. Although the surrounding properties are mostly in the County, they are zoned R-1, Suburban Residence District which allows for churches with a conditional use permit.

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 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. A traffic study is required at the time of development.

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. The property can still develop with the existing zoning.



STAFF RECOMMENDATION: Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Traditional Neighborhood placetype and on the finding of facts above.

Submitted By: Daniel Neal, Senior City Planner

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

Attachments:

1. Z-3-2024 - 2730 Farm Road 188_ Ord
2. Legal Description_exhA
3. ROP_exhB
4. Staff Report_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 38
Filed: 02-06-24

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-027

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 38.5 acres of property generally located at 2730 East Farm Road
4 188 from Planned Development No. 288 to R-SF, Residential
5 Single Family; and adopting an updated Official Zoning Map.
6
7

8 WHEREAS, an application has been filed for a zoning change of the property
9 generally located at 2730 East Farm Road 188 from Planned Development 288 to R-
10 SF, Residential Single Family; and
11

12 WHEREAS, following proper notice, the Planning and Zoning Commission held a
13 public hearing on January 11, 2024, a copy of the Record of Proceedings from said
14 public hearing being attached hereto and incorporated herein by this reference as
15 "Exhibit B," and said Commission made its recommendation; and
16

17 WHEREAS, the City has reviewed the applicant's request and prepared a staff
18 report concerning the application, which is attached hereto and incorporated herein by
19 this reference as "Exhibit C"; and
20

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

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

27 Section 1 – The property generally located at 2730 East Farm Road 188 and
28 described in "Exhibit A," which is attached hereto and incorporated herein by this
29 reference, is hereby rezoned from Planned Development 288 to R-SF, Residential
30 Single Family. Springfield Land Development Code, Section 36-306, 'Official zoning
31 map and rules for interpretation,' is hereby amended, changed, and modified consistent
32 with this Ordinance.
33

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: [Signature], Assistant City Attorney

Approved for Council action: Christi Kase, City Manager

EXHIBIT A

LEGAL DESCRIPTION

All of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), in Section Twenty-eight (28), Township twenty-eight (28), Range twenty-one (21), in Greene County, Missouri, EXCEPT the following tract of land described as follows: Beginning at the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty-eight (28), Range Twenty-one (21); thence North 20 rods; thence West 12 rods; thence South 20 rods; thence East 12 rods to the beginning, in Greene County, Missouri.

EXHIBIT B

**RECORD OF PROCEEDINGS
Planning and Zoning Commission – January 11, 2024**

Z-3-2024

2730 East Farm Road 188

Applicant: Center Court, LLC

Mr. Daniel Neal stated that this is a request to rezone approximately 38.5 acres of property from Planned Development No. 288 to R-SF, Single-Family Residential District.

Mr. Daniel Richards, 1200 E. Woodhurst Drive representing the church that is seeking to purchase the property for a new church and the existing Planned Development does not allow for churches.

Mr. Ralph Latal, 5705 S. Ramsgate noted that he is a neighbor and an elder at the River Bluff Baptist Church across the street and asking for additional information on who is the church?

Mr. Pauly asked for the developer to come forward and questioned on what this particular church may be.

Mr. Richards noted that he has signed a non-disclosure agreement with the client and cannot answer that question. He however did note that at the neighborhood meeting it was clear that the neighbors were not in support of "just any church going in."

Mr. Knuckles noted that the Commission is voting on the rezoning but understands the concerns of the neighborhood.

Ms. Broekhoven closed the public hearing.

COMMISSION ACTION:

Planning and Zoning Commission Board Member Knuckles moved to approve Z-3-2024, Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Pauly, Commissioner Scott, Commissioner Knuckles. Nays: Commissioner Lebeck. Absent: Commissioner Gunther, Commissioner Colony. Abstain: None.



Bob Hosmer, AICP
Planning Manager

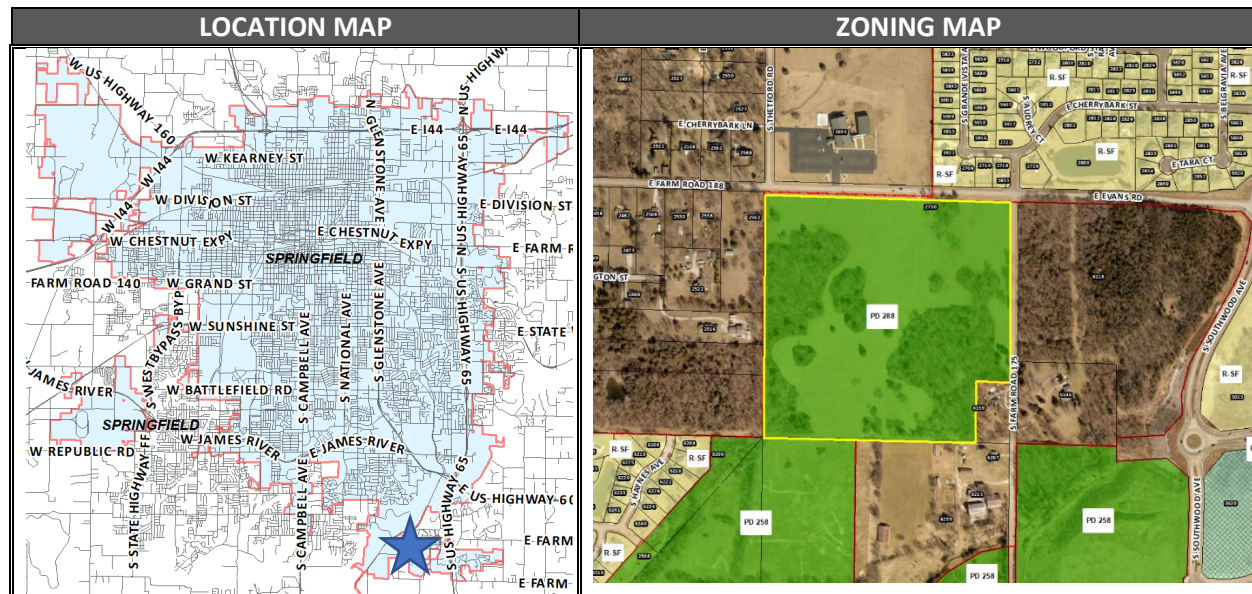
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-3-2024
Location:	2730 E. Farm Road 188
Total Acres:	38.5 acres
Applicant:	Center Court, LLC
Existing Land Use:	Undeveloped land
Neighborhood Meeting:	December 20, 2023
Planning and Zoning Commission:	January 11, 2024
City Council:	February 12, 2024
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Daniel Neal, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-3-2024 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

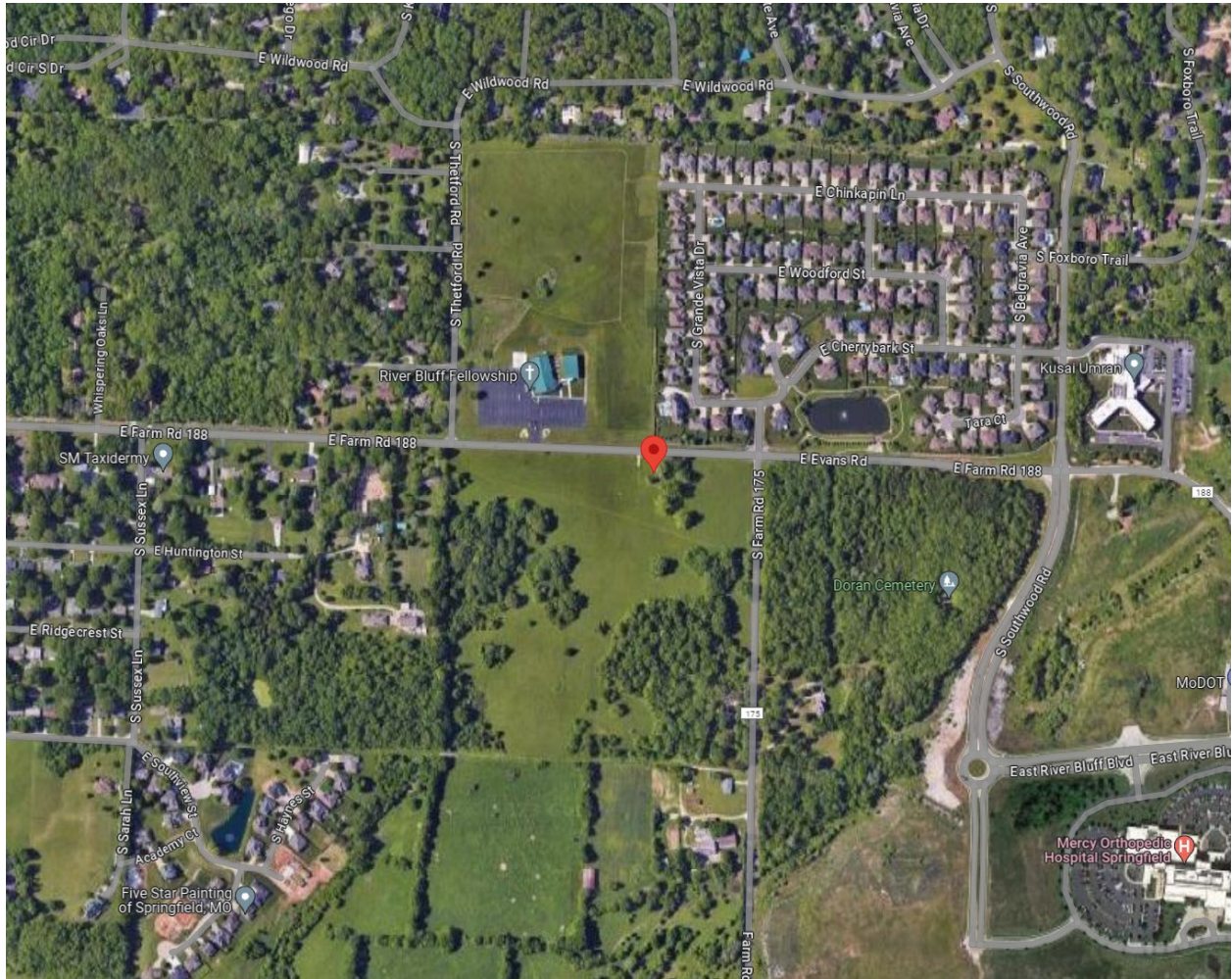
PROJECT SUMMARY:

Request to rezone approximately 38.5 acres of property generally located at 2730 E. Farm Road 188 from Planned Development No. 288 to R-SF, Single-Family Residential District.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property was annexed and rezoned from County R-1 to Planned Development 288 in 2006. The PD allowed for residential single-family, duplex and townhouse uses. Each phase or Final Development Plan was required to be reviewed and approved by Planning and Zoning Commission and City Council. City Council approved a small lot single-family residential subdivision in 2007 within Area 2 called Thetford Place that met the requirements of the PD.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

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

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

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR R-SF
Use Limitations	(a) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. (b) No use shall emit an odor that creates a nuisance as determined by 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

DEVELOPMENT REVIEW STAFF REPORT

Buffering and Landscaping

None, unless a non-residential use is established. The non-residential use adjacent to a residential district requires a bufferyard Type D.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Traditional Neighborhoods placetype. Traditional Neighborhoods are comprised of post-war residential neighborhoods that contain predominantly single-family detached dwellings with uniform setbacks, building designs, and parcel sizes, that are separated from dissimilar uses by distinct zoning boundaries and buffer yards. Housing in Traditional Neighborhoods range from bungalows to expansive ranch style homes constructed with a variety of materials and methods. Neighborhood parks, schools, and churches are dispersed throughout to serve nearby residents. These neighborhoods can follow a gridded block pattern or curvilinear streets and are well connected internally with sidewalks and trails. Traditional Neighborhoods tend to be expansive, isolating residents from services and resources on the edges, often beyond walking distance.

Planning for Traditional Neighborhoods should strive to increase and integrate quality of place and complete neighborhood characteristics. These characteristics could include beautification efforts such as planting street trees, expanding connections and access to the greenway and trail system, and support for low-intensity multi-family, low-intensity neighborhood commercial, or a mix of uses to serve area residents. Multi-family, neighborhood commercial, or mixed use should be located on the edges of the greenway system, on higher classification roadways, or areas identified by residents during the neighborhood planning process. Preservation of residential housing and housing patterns should be prioritized where lots are predominately accessed from side or internal local streets.

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

DEVELOPMENT REVIEW STAFF REPORT

- 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.

Traditional Neighborhood, Urban design characteristics unique to Traditional Neighborhood character area include:

- Residential subdivisions are designed and platted with curvilinear streets in structured layouts that maximize use of land.
- Lots have uniform widths, depths, and setbacks that align with home sizes and densities.
- Attached garages are a standard element, typically integrated into the design of the home and make up a dominant part of the front elevation, reducing the on-street parking demands.

DEVELOPMENT REVIEW STAFF REPORT

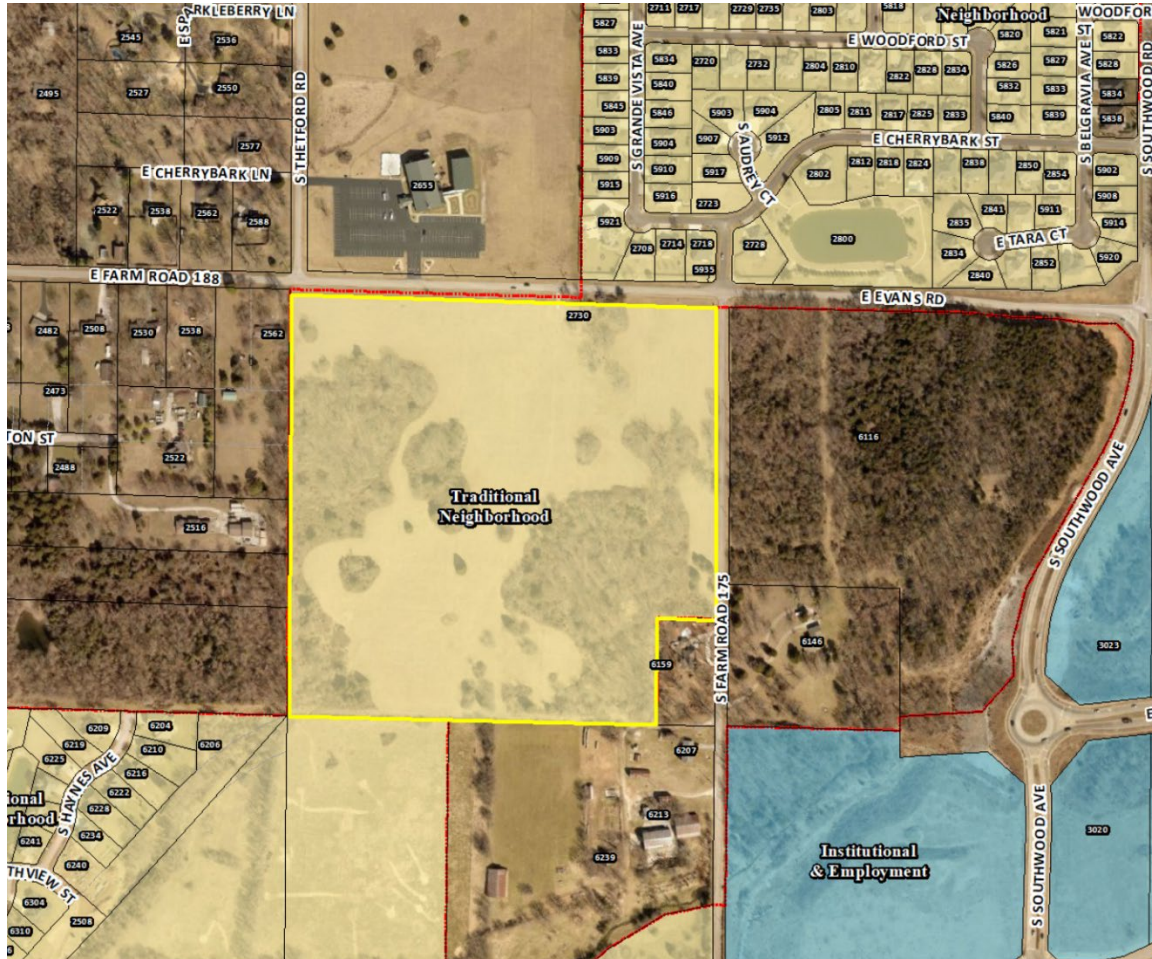
- Vehicular driveways are provided for each home and are accessed almost exclusively from the front or side street, limiting on-street parking opportunities.
- Neighborhoods are often self-regulated by covenants that limit use, size, and design of structures, as well as care and use of private amenities and common areas.

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:



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

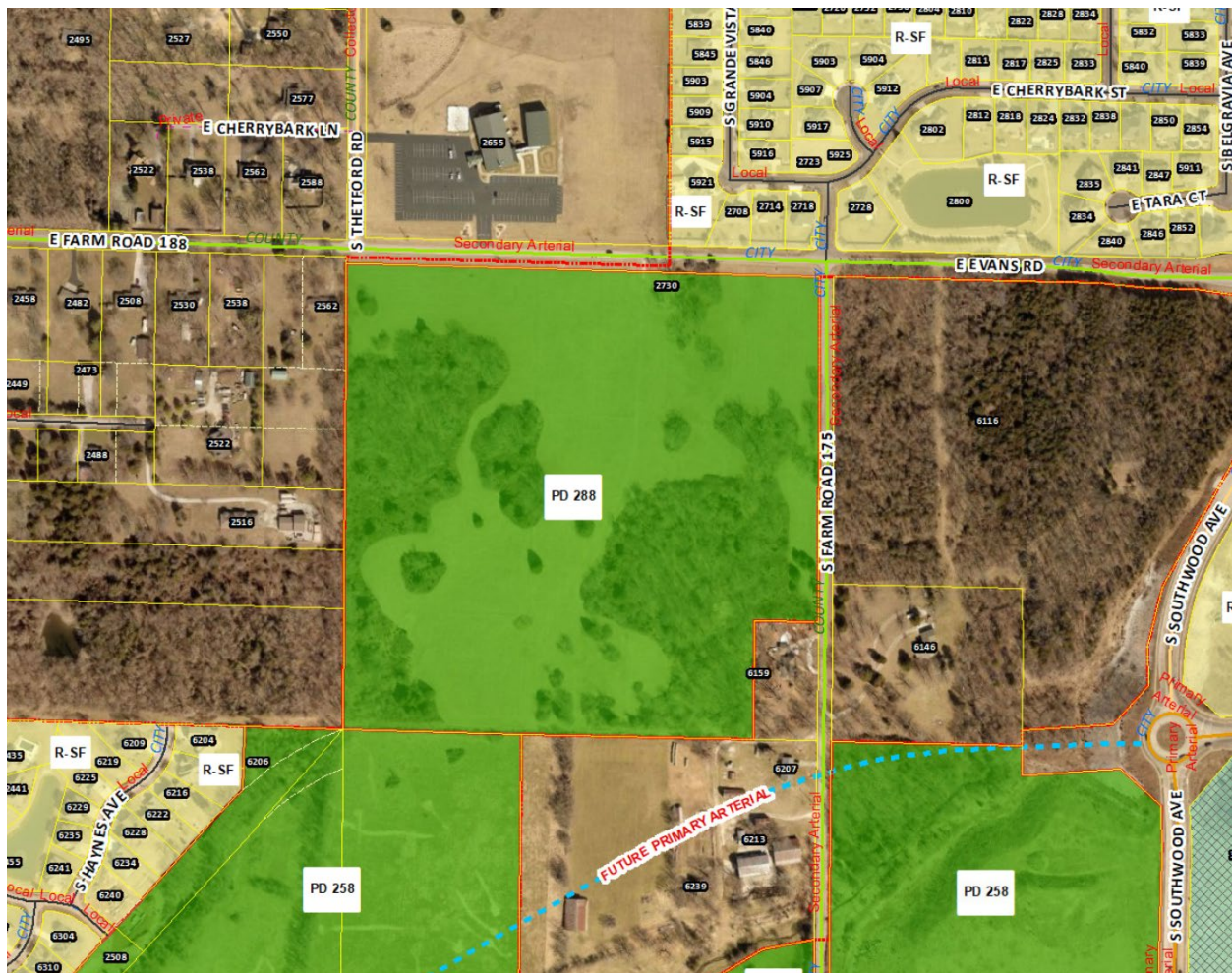
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

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

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

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF, County R-1	PD 258, County R-1	County R-1	County R-1
LAND USE	Single-family residences, Church	Single-family residences	Single-family residence	Single-family residences
PLACETYPES	Traditional neighborhood	Traditional neighborhood	Traditional neighborhood	Traditional neighborhood

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the proposed rezoning. CU Electric/Gas/Water is available to the property.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to rezoning however we have the following critical comments about site development:

1. The property is not served by public sewer. Public improvement plans will need to be designed, submitted and constructed to city standards to serve the property. The public improvements must be approved, filed and constructed or escrowed before any building permits or plats can be issued according to city code section 98-12(b)(c) Private Construction of Public Improvements and section 98-14. - Assurance for completion of Public Improvements.
2. The property is subject to two trunkline/joint district fees; The east portion is subject to a \$0.03542 per s.f. fee of property being developed. The west portion is subject to a \$0.0075 per s.f. fee of property being developed. These fees will be determined during review of the public improvement plans and will be included in the engineering and inspection fees required to file the plans.

FIRE DEPARTMENT:

No comments.

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. Farm Road 188	Secondary Arterial	County	35	40	NA	No	Yes	No
Street 2	S. Farm Road 175	Secondary Arterial	County	35	20	NA	No	Yes	No

ACCESS - 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 Trail near the property. There are no bus stops near the property.

DEVELOPMENT REVIEW STAFF REPORT

IMPROVEMENTS - No improvements are required for this rezoning. A traffic study is required at the time of development.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

38.5-acre lot with 0% existing impervious area. The Site drains to the SE and SW areas through natural draws. No existing detention or water quality Stormwater Control Measures are present. The property is in the **Farmer 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** 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 not be allowed and detention is required**.

PW Stormwater has no concerns for the proposed rezoning from PD 288 to R-SF. 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. Detention designs need to account for the discharge to drain to existing adjacent properties through sheet flow or level spreaders.

WATER QUALITY REQUIREMENTS

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

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

1. A small sinkhole located in the NW corner of the property. It is visible from 2001 Aerial and possibly earlier. Per Ch. 11 Sec. 2.0 a sinkhole evaluation must be completed by a professional engineer or geologist.

DEVELOPMENT REVIEW STAFF REPORT

ADDITIONAL STORMWATER REQUIREMENTS

1. Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the process and will be reviewed by ES-Water Quality per Chapter 12 Sec. 3.0.

a. As-builts of the detention and water quality improvements are required. we would like the following as-built notes on the plans:

The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 38.5 acres of property generally located at 2730 E. Farm Road 188 from Planned Development No. 288 to R-SF, Single-Family Residential District. The applicant intends to sell to a church. Church uses are not currently permitted in PD 288.
2. This application for R-SF is consistent with the *Comprehensive Plan's Land Use & Development* chapter which identifies the subject property as within the Traditional Neighborhood placetype. The primary use in this placetype is single-family detached which is a permitted use in the R-SF District. The current PD also allows for single-family detached uses in a higher density. The rezoning would also allow for non-residential uses such as churches, community gardens, police and fire stations, public and private parks, or elementary and secondary schools which are recommended in the Traditional Neighborhood placetype.
3. This application is consistent with the Traditional Neighborhood placetype which lists single-family detached dwellings as a primary use. The current PD is also supported by the Comprehensive Plan.
4. The current zoning, Planned Development No. 288, allows single-family detached and semi-detached dwellings in all areas and in areas to the north and east, duplexes and townhomes at a maximum density of 8 dwelling units per acre. The R-SF district allows for single-family attached and semi-detached at 7 dwelling units per acre and does not allow for duplexes or townhomes. The PD also allows for smaller and narrower lots with a height limitation in some areas to two stories and other comparable to the R-SF District. The original intent for the current zoning was for a private gated residential subdivision.
5. The developer was also required to make roadway improvements such as dedicate additional right-of-way along Farm Road 188 (Evans Road) and Farm Road 175 to meet current standards, dedicate right-of-way triangles at street intersections, align interior streets with Thetford Rd to the north, construct sidewalk and provide trail easements to the common areas.

DEVELOPMENT REVIEW STAFF REPORT

6. 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.
7. There are few known changing conditions in the area affected that make the proposed rezoning necessary.
8. The range of uses in the proposed R-SF district are compatible with the uses permitted on other property in the immediate vicinity. Although the surrounding properties are mostly in the County, they are zoned R-1, Suburban Residence District which allows for churches with a conditional use permit.
9. 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.
10. 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. A traffic study is required at the time of development.
11. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
12. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. The property can still develop with the existing zoning.

STAFF RECOMMENDATION:

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

Attachment 1
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: PD 288 to R-SF
(existing zoning) (proposed zoning)
2. Meeting Date & Time: December 20, 2023; 4-6:30 pm
3. Meeting Location: Fire Station 12, 2455 S Blackman Rd, Springfield, MO 65809
4. Number of invitations that were sent: 61
5. How the mailing list was generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 16
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 neighborhood comments and response letter.

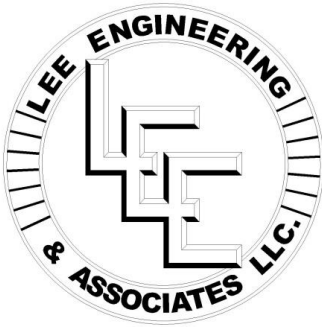
8. List or attach the written comments and how you plan to address any issues:

See attached neighborhood comments and response letter.

I, Martha Middleton (print name), attest that the neighborhood meeting was held on 12/20/2023 (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."

Martha Middleton
Signature of person completing affidavit

Martha Middleton
Printed name of person completing affidavit



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & LAND SURVEYING

1200 E. WOODHURST., SUITE D200, SPRINGFIELD, MO 65804
TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

December 21, 2023

RE: **PLN2023-00295**

Z-3-2024 - 02.Zoning Map Amendment - 2730 E FARM ROAD 188

Lee Engineering hosted a Neighborhood Meeting on December 20th at Fire Station #12 from 4:00-6:30 p.m. to discuss the proposed rezone with the neighborhood.

Below is a summary of the comments we received—both written and verbal—from the neighborhood meeting and how we will address each comment. A copy of this letter will be sent to the City of Springfield Planning Department.

Unnamed Church:

The biggest issue at the neighborhood meeting was that the church that is seeking to rezone the property does not want their name on the project at this time. The neighborhood made it clear that they were not generally in favor of a church at this location without knowing what denomination/type of church was seeking this rezoning. Residential Single Family (R-SF) zoning allows churches without any restrictions on denomination or “type” of church. Churches are a permitted use in every standard zoning district (Residential, Office, Commercial & Industrial) within the City of Springfield. We are surrounded by single family residential, so the zoning request matches the surrounding properties.

No Site Plan/Access Plan/Building Size:

The proposed zoning change to R-SF does not require a site plan or building plans. The church has not purchased the property, and this zoning change is a contingency of the purchase. They are not far enough along in the process to have a site plan to share at this time. They have generally told us that the church will not use the whole property. Site plans and architectural plans meeting all of the restrictions of R-SF zoning and the City of Springfield design codes will be submitted to the city at the time of permitting should this project move forward. Access spacing for the development will meet the City of Springfield’s design codes and standards at the time of development.

Potential Traffic:

The existing PD allows 8 units/acre, which is a higher density than the single-family residential zoning that we are requesting. A traffic study meeting the City of Springfield’s requirements will be submitted at the time of development.

Stormwater:

The runoff produced by this development will be reduced to the predeveloped condition in accordance with City of Springfield Flood Control and Water Quality Manual. A stormwater system will be sized and located in accordance with the City of Springfield Flood Control and

Water Quality Manual.

The existing zoning is undesirable:

Many of the neighbors made comments both verbally in writing that they did not like the higher density of townhomes and duplexes that were permitted in the existing zoning and were in favor of single-family residences at this location.

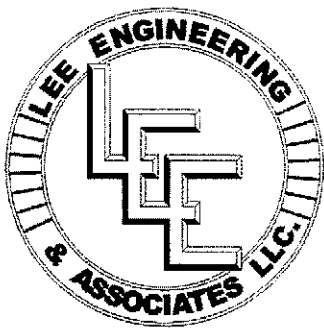
If you have any questions or need additional information, please contact our office. Thank you.

Sincerely,
Daniel Richards

A handwritten signature in black ink that reads "Daniel Richards". The signature is written in a cursive, flowing style.

FR 188 Rezone Sign In Sheet

Name	Address	Phone Number
Clark & Victoria M. Mott	5839 S. Grande Vista	417-351-9051
Roberta Hatfield	2832 E Chinkapin	651-491-5471
Jim & Kay DONOVAN	3808 E. Chinkapin	576-3662 or 3550
Dave Blake	2745 " "	417-761-2279
Greg & Gabe Haggard	5839 S. Delgravia	417-496-6757
Roger & Donna Liller	2802 E. Cherrybark	417-838-8632
Don Ackerman	5903 S. Grande Vista Dr.	417-827-0010
GERALD & MARILYN EHRHARDT	5904 S. AUDREY Ct	417-655-0165
James & Mary Johnston	2745 E. Chinkapin	417-496-4096
Dana & Stephen Haggard	2711 E WOODFORD	417-693-0977
John & Gwen Walker	6163 S. Farm Rd 175	417-543-3599



LEE ENGINEERING AND ASSOCIATES, L.L.C.

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COMMENT SHEET

Neighborhood Meeting

Wednesday, December 20, 2023

Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
John Walker	6163 S Farm Road 175	417 543 3559

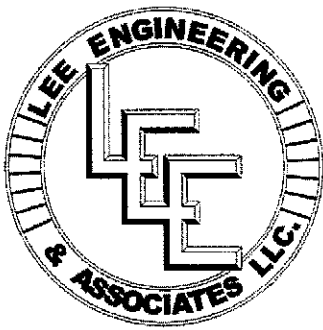
Victor Korlov 6146 S Farm Road 175 503-939-1700.

COMMENTS:

*I am in favor of re-zoning PD 288 to SFR.
Being surrounded on two sides by multi-story
townhouses has always concerned our family, so
if future development must happen, we would
rather it be similar to our property. Thank*

you,

*John Walker
Victor*



LEE ENGINEERING AND ASSOCIATES, L.L.C.

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COMMENT SHEET

Neighborhood Meeting

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Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
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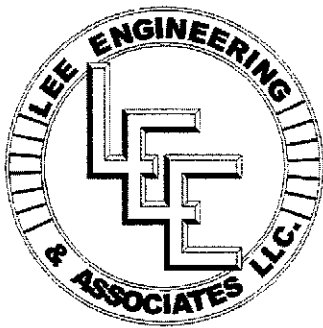
NAME	ADDRESS	PHONE
Kay Donovan	2808 E. ChinKapin	576-3662

COMMENTS: Why all the secrecy on the church identity?
~~We~~ do not want a mega church built there to tense up each traffic
on FR 188 and the entrances to our subdivision!

The present zoning allows for way too many undesirable buildings -
apartments & duplexes specifically - that would increase
traffic, also. My subdivision is upscale & any future
single family homes on the land in question should
be too. I agree w/ rezoning single family use only,
but with covenants & restrictions! No apartments,
duplexes or multi-use buildings - We are trying to
maintain our property values for the future -

Thank you for the public meeting w/ reps of
Lee Engineering - They were very personable -
Looking forward to a traffic study & future
meetings.

Kay B. Donovan



LEE ENGINEERING AND ASSOCIATES, L.L.C.

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COMMENT SHEET

Neighborhood Meeting

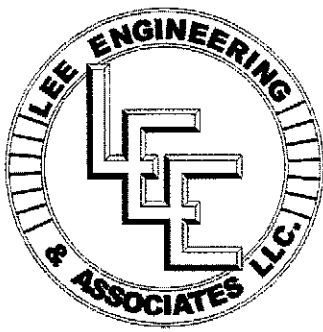
Wednesday, December 20, 2023

Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
PAUL ENGEL	2901 E Chickadee Lane	417-840-2517

COMMENTS:

- 1) NO SITE PLAN : WHAT IS THE POINT OF US COMING TO THIS MEETING?
- 2) ^{NO SPECIFIC} DETAILS ABOUT THE PLANNED CHURCH
- 3) HOW WILL THE USE IMPACT OUR NEIGHBORHOOD?
TRAFFIC IMPACTS?
LEXINGTON SQUARE IS A HIGH VALUE SUBDIVISION, THIS MAY HAVE NEGATIVE IMPACTS.
- 4) POORLY EXECUTED NEIGHBORHOOD MEETING.



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

1200 E. WOODHURST DR., SUITE D200, SPRINGFIELD, MO 65804
TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

COMMENT SHEET

Neighborhood Meeting

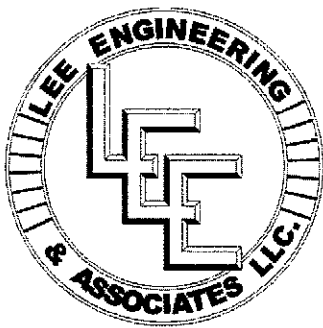
Wednesday, December 20, 2023

Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
Mike & Josie Beck	2708 E Cherry Bark Ln	417-574-3943

COMMENTS:

While we understand that changing the zoning from PUD to SFR would be a better zoning for this property, we are unsettled about the minimal amount of information that was given to the public regarding what the plans for this property shall be. We know "a" church wants to build on part of this property. But, why were we not told what type of church or were in general do they want to build on this land. To gain public approval more information is warranted.



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2720 E FR 188
Ozark, MO 65721

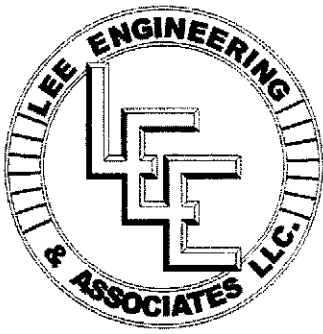
NAME	ADDRESS	PHONE
John Walker	6163 S Farm Rd 175	417 543-3599

COMMENTS:

On behalf of Jean Hartley, who lives on farm
South of my address:

Mrs. Hartley is concerned about water
run-off that might be created from any large
parking lot built in the future. She would like
assurance that the effects of such run-off onto
her property would be considered in future
development plans. Thank you,

John Walker



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COMMENT SHEET

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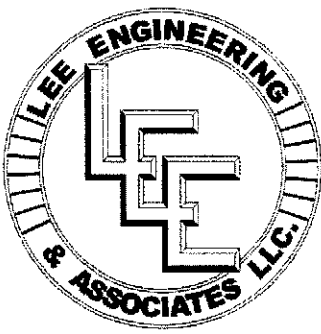
Wednesday, December 20, 2023

Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
Ryan Kruger	3921 S Grand Vista	417-522-6802

COMMENTS:

Where will the access be?
How quick will traffic be addressed if it is congested?
Why secret?
How many members of the church?
How many buildings? What type?



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Wednesday, December 20, 2023

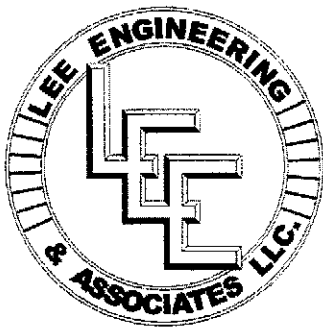
Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
Todd & Amy VanCorden	5834 S Belgravia	417-840-1068 - Amy

Springfield MO 65804 417-775-4343 - Todd

COMMENTS:

- * We are very concerned that the church does not want to be transparent with their future (possible) neighbors.
- * A large church would increase traffic and decrease property values for neighborhoods directly opposite or surrounding the area due to traffic flow.
- * Large "Mega" churches have activities on nearly every day of the week, not just Sundays and Wednesdays - we do not want constant traffic right across the street to the entrance to our neighborhood (Lexington Square).



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COMMENT SHEET

Neighborhood Meeting

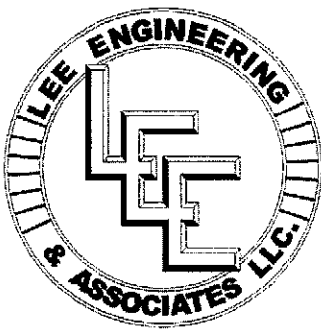
Wednesday, December 20, 2023

Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
HAGGARD	2711 E WOODFORD ST	417-693-0977

COMMENTS:

- NO SITE PLAN - REALLY?
- SECRET IDENTITY OF CHURCH? WHY?
- WE ALREADY HAVE TWO CHURCHES ' TRAFFIC ON SUNDAY MORNING - WE DON'T NEED ANOTHER.
- HOW BIG IS THE CHURCH GOING TO BE?
HOW MANY PARKING PLACES?



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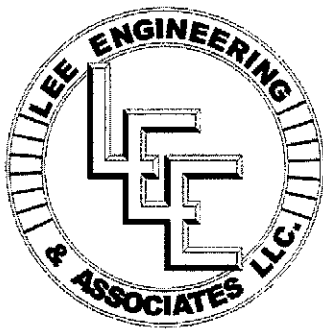
Wednesday, December 20, 2023

Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
DANIEL CLARK	2720 E CHURCH	417-761-9979

COMMENTS:

Pls explain how our input will be considered
Valid when the details of the project
will not be disclosed. As property owners
nearby; for zoning planning, we should
at least be informed of conceptual plans
as well as the budget of the property is.



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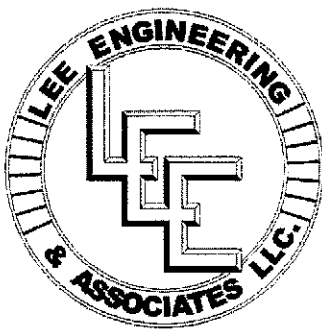
Wednesday, December 20, 2023

Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
MARILYN	5904 S. AUDREY CT	417-655-
ETHRARDT		0164

COMMENTS:

AT PRESENT CANNOT AGREE TO
REZONING WITHOUT KNOWING
WHAT CHURCH IS LOOKING TO BUILD,
WHAT SIZE THE FACILITY WOULD
BE, WHERE ON PROPERTY CHURCH
WOULD BE LOCATED, HOW WOULD
~~THE~~ THE TRAFFIC BE AFFECTED.
IF CHURCH WOULD SELL OFF A PORTION
OF THE PROPERTY, WHAT WOULD
BE ABLE TO BE BUILT AND COULD
IT BE REZONED.



LEE ENGINEERING AND ASSOCIATES, L.L.C.

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COMMENT SHEET

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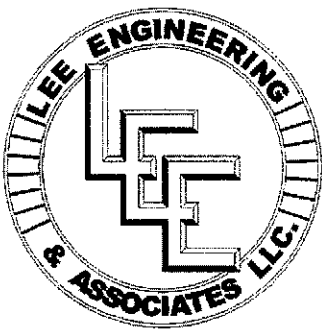
Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
GERALD	5904 S. Audrey CT.	417-655-0165

EHRHARDT

COMMENTS:

I have no problem with The single Family zoning
However, There is insufficient information
of The Location of The church on The property
and The denomination of The church. Why The
Secrecy? Without more information, I could not
agree with The change.



LEE ENGINEERING AND ASSOCIATES, L.L.C.

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COMMENT SHEET

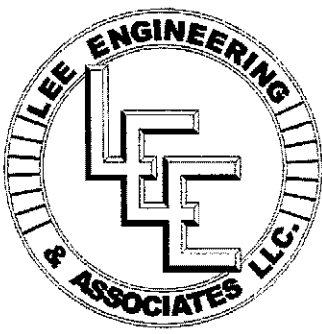
Neighborhood Meeting

Wednesday, December 20, 2023

Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
James E Johnston	2745 E Chinkapin Ln	417 848 1945

COMMENTS:
Not enough information. Building Size? # attending est.?
MTL occupancy? Traffic flow etc. Need to provide
specifications. *James Johnston*



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

1200 E. WOODHURST DR., SUITE D200, SPRINGFIELD, MO 65804
TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9936 • dlee@leeengineering.biz

COMMENT SHEET

Neighborhood Meeting

Wednesday, December 20, 2023

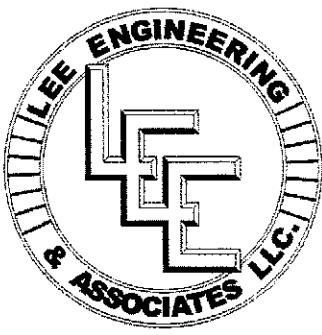
Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
James Mary Johnston	2745 E. Chinkapin	417-496-4096

COMMENTS:

Too many variables at this time. Why
secrecy? "Church" is too vague.
Info. needed concerning building,
traffic, etc.

Mary Johnston



LEE ENGINEERING AND ASSOCIATES, L.L.C.

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COMMENT SHEET

Neighborhood Meeting

Wednesday, December 20, 2023

Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
RANDOLPH A. LATAALL	57055 RAMSGATE RD	417-569-6532

COMMENTS: Representing self + River Bluff Fellowship.

- (1) Trust in a process is based on transparency + truth.
- (2) There can be no trust in this project developed because:
 - a. The denomination of the church or its size is not revealed.
 - b. When you hide behind non-disclosures, suspicion is launched.
 - c.
3. Therefore, you are starting off on wrong foot
4. The revealed intent to rezone from PD to R5F is not an issue.
5. The issue of a church across from a church is suspicious.
- Reveal the owner + denomination.



EXPLANATION TO COUNCIL BILL 2024-028 (JENSON)

FILED: 02/15/2024

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 0.4 acres of property generally located at 3961 South Campbell Avenue from GR, General Retail to HC, Highway Commercial with Conditional Overlay District No. 248, and adopting an updated Official Zoning Map. (By: CONSPO, LLC; 3961 S. Campbell Avenue; Z-4-2024 w/ Conditional Overlay District No. 248).

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.4 acre of property generally located at 3961 South Campbell Avenue from GR, General Retail District to HC, Highway Commercial District and establishing Conditional Overlay District No. 248. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-4-2024/ CONDITIONAL OVERLAY DISTRICT NO. 248

The applicant is requesting to rezone approximately 0.4 acre of property generally located at 3961 S. Campbell Avenue from GR, General Retail District to HC, Highway Commercial District and establishing Conditional Overlay District No. 248. The applicant is proposing a car rental business in the existing building and utilizing the adjacent off-street parking spaces.

REMARKS: The Planning and Zoning Commission held a public hearing on January 11, 2024, 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 Comprehensive Plan's Land Use & Development chapter identifies the subject property as the City Corridor placetype. This placetype 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.

2. The Highway Commercial District is consistent with the goals and objectives of the City Corridor placetype.

3. The applicant is proposing a Conditional Overlay District to add perimeter landscaping with a change of use, building permit or subdivision of the property.

4. The subject property is in an area that has other retail, office and service uses that take advantage of easy access to Campbell Avenue.

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 no changing conditions in the area affected that make the proposed rezoning necessary.

7. The range of uses in the proposed HC district are 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 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. This application does not require a traffic study.

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: Daniel Neal, Senior City Planner

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

Attachments: 1. Z-4-2024 COD 248 - 3961 S. Campbell Avenue_Ord

2. COD_exhA
3. Legal Description_ExhB
4. ROP_exhC
5. Staff Report_exhD

One-rdg. _____
P. Hrngs. X
Pgs. 28
Filed: 02-06-24

Sponsored by: Jenson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-028

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 0.4 acres of property generally located at 3961 South Campbell
4 Avenue from GR, General Retail to HC, Highway Commercial with
5 Conditional Overlay District No. 248, and adopting an updated
6 Official Zoning Map.
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 3961 South Campbell Avenue from GR, General Retail to HC,
11 Highway Commercial with Conditional Overlay District No. 248; and
12

13 WHEREAS, Conditional Overlay District No. 248 shall modify the requirements of
14 the Springfield Land Development Code Section 36-422, Highway Commercial District,
15 by requiring that the property described in "Exhibit B" comply with the requirements
16 described in "Exhibit A"; and
17

18 WHEREAS, following proper notice, the Planning and Zoning Commission held a
19 public hearing on January 11, 2024, a copy of the Record of Proceedings from said
20 public hearing being attached hereto and incorporated herein by this reference as
21 "Exhibit C," and said Commission made its recommendation; and
22

23 WHEREAS, the City has reviewed the applicant's request and prepared a staff
24 report concerning the application, which is attached hereto and incorporated herein by
25 this reference as "Exhibit D"; and
26

27 WHEREAS, proper notice was given of a public hearing before City Council, and
28 said hearing was held in accordance with the law.
29

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

33 Section 1 – The property described in "Exhibit B," which is attached hereto and

incorporated herein by this reference, is hereby rezoned from GR, General Retail to HC, Highway Commercial with Conditional Overlay District No. 248. 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. 248, 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. 248 shall modify the requirements of the Springfield Land Development Code Section 36-422, General Retail District, by requiring the property described in “Exhibit B” to 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: Laura Vales, Assistant City Attorney

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

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-4-2024 COD 248

The requirements of Section 36-422, Highway Commercial District of the Land Development Code shall be modified as set forth herein for development within this district to include the following:

1. Perimeter landscaping:
 - a. Perimeter landscaping shall be provided along Campbell Avenue and La Salle 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.

EXHIBIT B

LEGAL DESCRIPTION

All that part of the Business Reserve area as shown on the plat of Park Crest Village Blocks "H" and "I", a subdivision in the City of Springfield, Greene County, Missouri, as shown on the plat recorded in Plat Book "T" at Page 4 in the Greene County, Missouri Recorder's Office, and being more particularly described as follows: Commencing at an existing City right-of-way marker at the Northwest corner of Campbell Avenue and LaSalle Street; thence, North $89^{\circ}18'50''$ West, a distance of 15.00 feet to the relocated right-of-way of said Campbell and LaSalle and the POINT OF BEGINNING; thence, continue North $89^{\circ}18'50''$ West, along and with the North right-of-way line of LaSalle Street, a distance of 101.50 feet; thence, North $02^{\circ}19'26''$ East, parallel to the West right-of-way line of Campbell Avenue, a distance of 150.06 feet; thence, South $89^{\circ}18'50''$ East, parallel to the North right-of-way line of LaSalle Street, a distance of 116.50 feet to the West right-of-way line of Campbell Avenue, thence, South $02^{\circ}19'26''$ West, along and with said West line, a distance of 120.06 feet; thence South $28^{\circ}33'21''$ West, along and with the relocated West right-of-way line of said Campbell Avenue, a distance of 33.92 feet to the POINT OF BEGINNING, containing 17,250 square feet, more or less.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – January 11, 2024

Z-4-2024 COD 248
3961 South Campbell Avenue
Applicant: Conspo, LLC

Mr. Daniel Neal stated that this is a request to rezone approximately 0.4 acre of property from GR, General Retail District to HC, Highway Commercial District and establishing Conditional Overlay District No. 248.

Mr. Knuckles asked about parking for postal employees after the change and Mr. Neal noted that there has been some concern of employees parking towards the neighborhood.

Mr. Daniel Richards, 1200 E. Woodhurst Drive noted that the neighbors had went through a lengthy process to get no parking signs put up on Fairview Avenue and the proposed client would limit the parking to their lot only.

Ms. Ridge asked how many cars are intended to be parked there? Mr. Richards did not know as he was the representative for the property owner, not the car rental agency. She also noted a history of property and stated that there were no parking problems when she lived just west of the area.

Ms. Broekhoven closed the public hearing.

COMMISSION ACTION:

Planning and Zoning Commission Board Member Knuckles moved to approve Z-4-2024 COD 248, Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Pauly, Commissioner Scott, Commissioner Knuckles. Nays: Commissioner Lebeck. Absent: Commissioner Gunther, Commissioner Colony. Abstain: None.



Bob Hosmer, AICP
Planning Manager

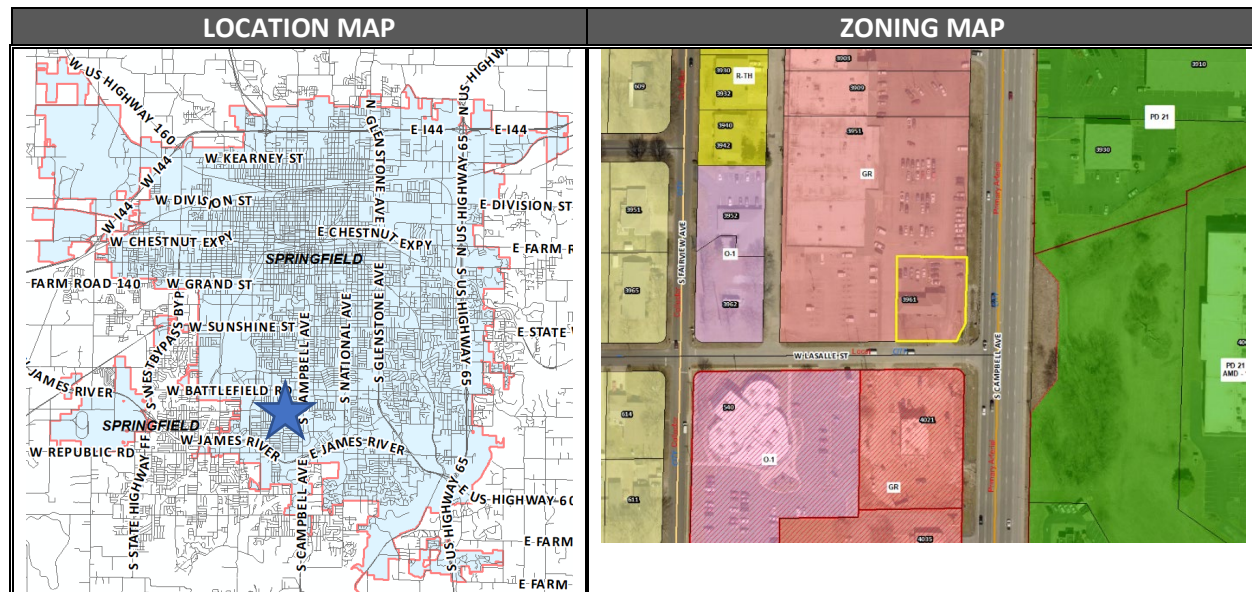
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-4-2024 with Conditional Overlay District No. 248
Location:	3961 S. Campbell Avenue
Total Acres:	0.4 acre
Applicant:	CONSPLO, LLC
Existing Land Use:	Vacant commercial building
Neighborhood Meeting:	December 18, 2023
Planning and Zoning Commission:	January 11, 2024
City Council:	February 12, 2024
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Daniel Neal, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-4-2024 with Conditional Overlay District No. 248 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).

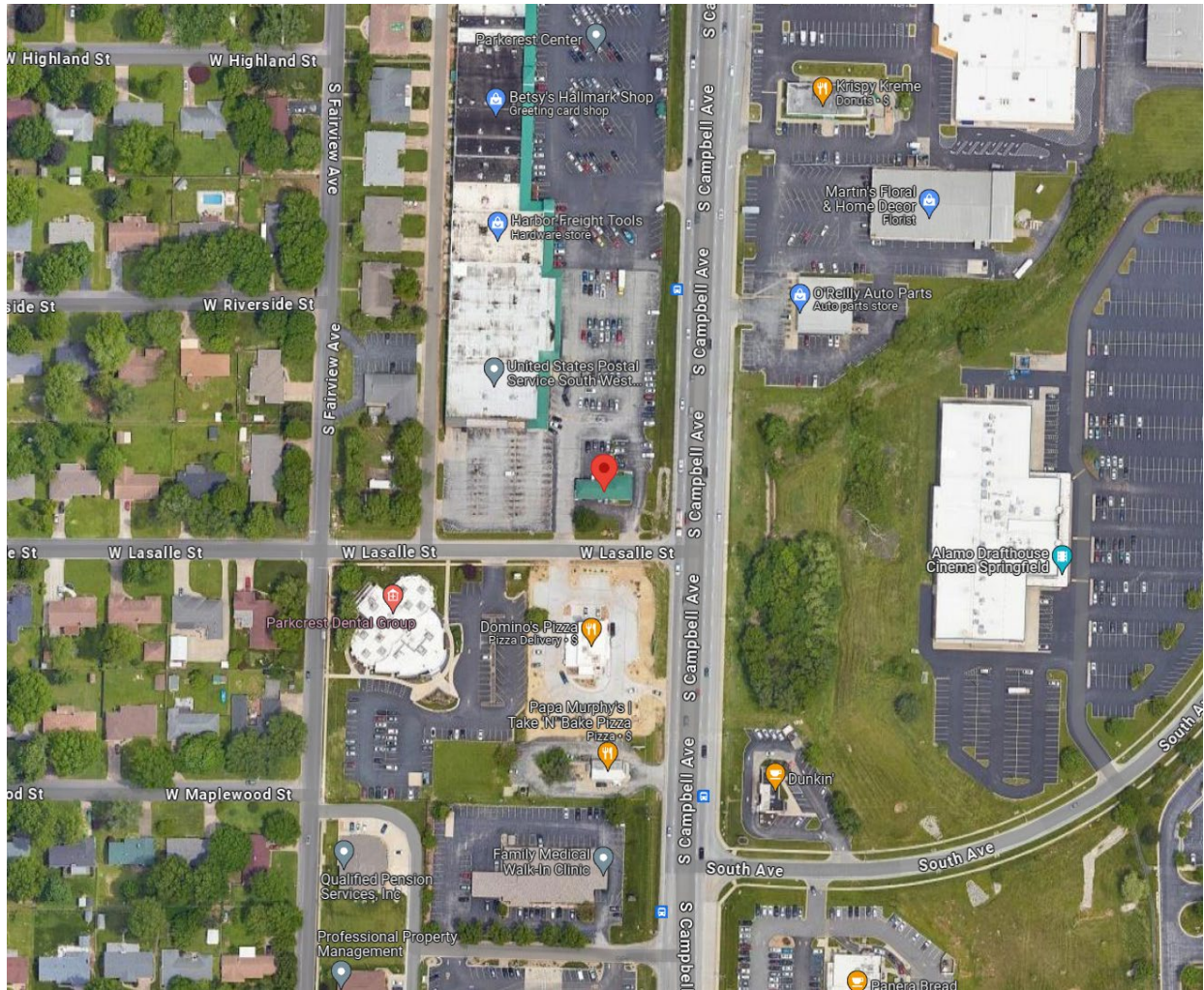
PROJECT SUMMARY:

Request to rezone approximately 0.4 acre of property generally located at 3961 S. Campbell Avenue from GR, General Retail District to HC, Highway Commercial District and establishing Conditional Overlay District No. 248.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property has been zoned GR, General Retail District since the Citywide remapping in 1995.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

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

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

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR HC
Use Limitations	(a) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors. (b) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district. (c) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved, or otherwise improved with an all-weather, dust-free surface. (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

DEVELOPMENT REVIEW STAFF REPORT

	(f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Minimum Open Space	Not less than 20 percent

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.

DEVELOPMENT REVIEW STAFF REPORT

- 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:



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

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

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

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

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	GR	GR	PD 21	GR
LAND USE	Shopping Center	Retail uses	Movie Theatre & common area	Post office uses
PLACETYPES	City Corridor	City Corridor	City Corridor	City Corridor

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the proposed rezoning.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No comments.

FIRE DEPARTMENT:

No comments.

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	S. Campbell Avenue	Primary Arterial	City	50	50	29,190	No	Yes	No
Street 2	W. Lasalle Street	Local	City	30	25	1,706	No	No	No

ACCESS - 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 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 **Ward Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream area. The city **is not** aware of a sinkhole or other Karst feature at this location. The property **does not**

DEVELOPMENT REVIEW STAFF REPORT

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 GR to HC. 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

N/A

WATER QUALITY REQUIREMENTS

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

FLOODPLAIN

N/A

NATURAL CHANNEL & STREAM BUFFERS

SINKHOLES & KARST FEATURES

N/A

ADDITIONAL STORMWATER REQUIREMENTS

1. Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the process and will be reviewed by ES-Water Quality per Chapter 12 Sec. 3.0.

a. As-builts of the detention and water quality improvements are required. we would like the following as-built notes on the plans:

The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 0.4 acre of property generally located at 3961 S. Campbell Avenue from GR, General Retail District to HC, Highway Commercial District and establishing Conditional Overlay District No. 248. The applicant is proposing a

DEVELOPMENT REVIEW STAFF REPORT

car rental business in the existing building and utilizing the adjacent off-street parking spaces.

2. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the City Corridor placetype. This placetype 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.
3. The Highway Commercial District is consistent with the goals and objectives of the City Corridor placetype.
4. The applicant is proposing a Conditional Overlay District to add perimeter landscaping with a change of use, building permit or subdivision of the property.
5. The subject property is in an area that has other retail, office and service uses that take advantage of easy access to Campbell Avenue.
6. 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.
7. There are no changing conditions in the area affected that make the proposed rezoning necessary.
8. The range of uses in the proposed HC district are compatible with the uses permitted on other property in the immediate vicinity.
9. 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.
10. 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. This application does not require a traffic study.
11. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
12. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

DEVELOPMENT REVIEW STAFF REPORT

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.

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1

CONDITIONAL OVERLAY DISTRICT PROVISIONS NO. 248

The requirements of Section 36-422. 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 Campbell Avenue and La Salle 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.

Attachment 2
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: GR to HC
(existing zoning) (proposed zoning)
2. Meeting Date & Time: December 18, 2023; 4-6:30 pm
3. Meeting Location: The Library Center, 4653 S Campbell Ave, Springfield, MO 65810
4. Number of invitations that were sent: 62
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).

Comments were written. See attached written comments.

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

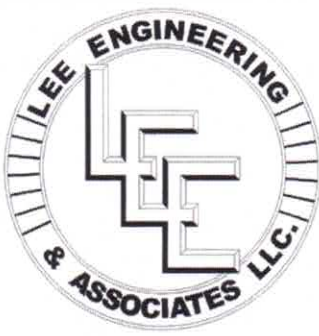
One neighbor asked if we would consider signaling the LaSalle/Campbell intersection. The corner of the site we are rezoning is very small (0.40 acres) with an existing building that has been used as a bank. We are simply proposing a rezone to allow a car rental agency to occupy the existing building. The traffic volumes produced by this site will be very low and no improvements are warranted.

Two neighbors had no issues with the rezoning, but were concerned about issues they have had in the past with the nearby post office employees parking in the street in front of their home. The corner of the site that we are rezoning does not have any shared parking spaces with the post office, and if the rezoning is successful, the rental car agency will be restricted to only parking in their lot. For these reasons, the issues with the postal service parking are outside the scope of this rezoning.

I, Martha Middleton (print name), attest that the neighborhood meeting was held on 12/18/2023 (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."

Martha Middleton
Signature of person completing affidavit

Martha Middleton
Printed name of person completing affidavit



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

1200 E. WOODHURST DR., SUITE D200, SPRINGFIELD, MO 65804
TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

COMMENT SHEET

Neighborhood Meeting

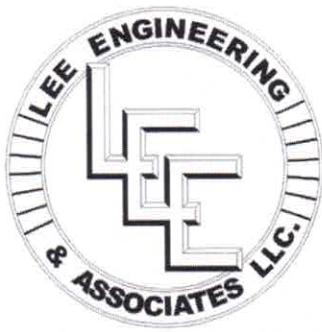
Monday, December 18, 2023

Re: Rezone from General Retail to Highway Commercial
3961 S. Campbell Ave. (NW Corner of Campbell and LaSalle)
Springfield, MO 65807

NAME	ADDRESS	PHONE
JULIA CHIN	6250 W. LASALLE	408-313-5204

COMMENTS:

Add traffic signal w/city if possible
for consideration



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

1200 E. WOODHURST DR., SUITE D200, SPRINGFIELD, MO 65804
TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

COMMENT SHEET

Neighborhood Meeting

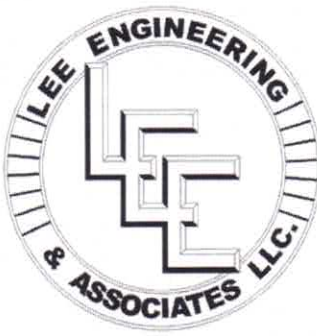
Monday, December 18, 2023

Re: Rezone from General Retail to Highway Commercial
3961 S. Campbell Ave. (NW Corner of Campbell and LaSalle)
Springfield, MO 65807

NAME	ADDRESS	PHONE
<i>Sandy McDermott</i>	<i>3951 S. Fairview Ave</i>	<i>417-823-8355</i>

COMMENTS:

My only concern is that there is not enough parking on the Park Crest Shopping Center. I do not have a problem with the zoning change. My difficulty lies with the employees that work at the postal station there in Parkcrest shopping - that they do not return to using our residential streets of Fairview, Riverside and LaSalle as their parking access for reporting to work - as they have done in the past. This is ~~the~~ a hazard for getting in & out of our driveway & not conducive to properly caring for our yard. Thank you.



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

1200 E. WOODHURST DR., SUITE D200, SPRINGFIELD, MO 65804
TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

COMMENT SHEET

Neighborhood Meeting

Monday, December 18, 2023

Re: Rezone from General Retail to Highway Commercial
3961 S. Campbell Ave. (NW Corner of Campbell and LaSalle)
Springfield, MO 65807

NAME	ADDRESS	PHONE
DAN MCCLEMON	3951 S. FAIRVIEW Springfield Mo	417-823-8355

COMMENTS:

The only problem I have with this, is it is very important the Post Office Employees need to park on the PARKCREST Shopping Center parking lot AND NOT Park off site on FAIRVIEW Ave anywhere.

Dan McClemon

From: [Daniel McClernon](#)
To: Zoning@springfieldmo.gov
Subject: 3961 S Campbell Ave (NW Corner of Campbell and Lasalle)
Date: Tuesday, December 12, 2023 12:15:05 PM

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

To whom it may concern

My name is Daniel McClernon and I live at 3951 S. Fairview (behind the Parkcrest shopping center and more importantly the U S Postal Service Facility.

When I moved here in 2008 there were employees of the Postal Service Facility that were parking adjacent to my house on the corner of Fairview and Riverside. As you know mail is delivered six days a week and I would have cars to the north of me and cars on Fairview up to 6 hours a day 6 days a week.

I could not properly maintain my property because of the postal employees parking around my property.

I was told by one of the postal employees that he was parking on a public street and there was nothing i could do about it.

I complained to the city of Springfield, the Postmaster General, the person in charge of the post office here at Parkcrest, and to the US Postmaster General, nothing was ever done.

I finally was able to get the traffic supervisor to put NO PARKING signs around my property. The business across the street Mitchel Chiropractic also was complaining about cars parking on her side of the street because her patients could not see around the cars to safely exit her parking lot.

I measured the street width of Fairview and it is smaller than the width of LaSalle which has had NO PARKING on both sides of the street for years.

I would think it would be necessary to make a field visit to the site any day of the week, you will see cars parked around the old bank building not just one but many, they are all POST OFFICE employees. If this zoning gets passed and not just me but many neighbors around me will be subject to the Postal Service employees again.

There are NO PARKING signs on the east side of Fairview going north from Lasalle to Westview but if this happens there may be cars parked on Fairview from Riverside to Westview and also parking on both sides of Fairview going south to Republic Road.

The attitude that we can park on any PUBLIC street is wrong and against the rights of homeowners and businesses.

The post office has NEVER had enough Parking for their employees and I beg you to consider what will happen if this goes through.

I have also contacted the Springfield Public schools Director of Transportation about school buses using Fairview as a cut through for the comings and goings of picking up children returning children before and after school from Kickapoo. I have followed these buses they do not drop off or pick up children in this neighborhood. The Springfield Public schools Director of Transportation told me " Those school bus drivers are on a schedule to get those kids home as quick as possible". I told him that the city of Springfield has spent a lot of money to put in double left turn lanes at Primrose and Campbell but I guess that does not matter to Springfield Public Schools.

They use Fairview to cut through to Republic Road turn right and go past Kansas Ave, Kansas Expressway and

points beyond. If cars are parked on both sides of Fairview these busses pose a treat to walkers in my neighborhood and also to the public driving their cars.

Of course if the rental car company agrees to the post office employees parking around their business then this all is in vain but I don't think the rental car business will be happy with the post office either.

I will be at the meeting to see how Lee engineering and Associates handles this problem.

Daniel McClernon
3951 S. Fairview Ave.
417 823 8355

**KPAC PROPERTIES
3811 S CAMPBELL AVE SUITE D
SPRINGFIELD, MO 65807
417-886-1157**

December 22, 2023

Mr. Bob Hosmer
City of Springfield
Development Review Office
840 Boonville Avenue
Springfield, MO 65801

RE: Zoning Case – PLN 2023-00298 (Parkcrest Shopping Center)

Dear Mr. Hosmer:

We have reviewed the applicants request and have no problems with it. We support the applicants zoning request.

Respectfully,



Michael R. Pike
General Manager

MRP/jmd

CC: Lee Engineering, Attn. Daniel Richards P.E.
1200 E. Woodhurst Drive Suite D200
Springfield, MO 65804

CC Kenny Morris
Findlay River Realty
2023 S. Glenstone
Springfield, MO 65804



EXPLANATION TO COUNCIL BILL 2024-029 (HORTON)

FILED: 02/15/2024

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 acre of property generally located at 701 West Wall Street from HM, Heavy Manufacturing to CC, Center City District; and adopting an updated Official Zoning Map. (By: City of Springfield; 701 W. Wall Street; Z-5-2024).

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1 acre of property generally located at 701 West Wall Street from HM, Heavy Manufacturing District to CC, Center City District. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-5-2024

The applicant is requesting to rezone approximately 1 acre of property generally located at 701 W. Wall Street from HM, Heavy Manufacturing District to CC, Center City District. The applicant intends to expand the existing commercial amusement use. Center City District does not require off-street parking and would accommodate the commercial amusement uses as well as other mixed-uses in the future.

REMARKS: The Planning and Zoning Commission held a public hearing on January 11, 2024, 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. While this application may have some compatibilities with the Business Flex placetype of the Comprehensive Plan's Land Use & Development chapter, it is better suited in the Downtown placetype which is across Grant Avenue. The Land Use & Development chapter states that typically, a one-to-two-block transition zone on either side of both placetype boundaries would be a practical zone to complete the transition from one placetype to another. Staff believes that the typology of the Downtown placetype is more appropriate for this particular site could be mixed use with office, retail, service and multifamily which are primary uses in this placetype. Additionally, this property is near to the Renew Jordan Creek/ Jordan Valley West Meadows Plan. The Business Flex placetype focuses more on industrial uses such as storage, distribution, and warehousing.

2. 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.

3. There are known changing conditions in the area affected that make the proposed rezoning necessary. The applicant is proposing to relocate another commercial amusement use to the subject property.

4. The range of uses in the proposed Center City district are compatible with the uses permitted on other property in the immediate vicinity. The CC district allow for manufacturing uses as well as mixed use development.

5. 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.

6. 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. A traffic study is not required as part of this rezoning.

7. 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.

8. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. The property can still develop with the existing zoning.

STAFF RECOMMENDATION: Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Downtown placetype and on the finding of facts above.

Submitted By: Daniel Neal, Senior City Planner

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

Attachments:

1. Z-5-2024 - 701 W. Wall Street _Ord
2. Legal Description_exhA
3. ROP_exhB
4. Staff Report _exhC

One-rdg. _____
P. Hrngs. X
Pgs. 19
Filed: 02-06-24

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-029

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 1 acre of property generally located at 701 West Wall Street from
4 HM, Heavy Manufacturing to CC, Center City District; and adopting
5 an updated Official Zoning Map.
6 _____
7

8 WHEREAS, an application has been filed for a zoning change of the property
9 generally located at 701 West Wall Street from HM, Heavy Manufacturing to CC, Center
10 City District; and
11

12 WHEREAS, following proper notice, the Planning and Zoning Commission held a
13 public hearing on January 11, 2024, a copy of the Record of Proceedings from said
14 public hearing being attached hereto and incorporated herein by this reference as
15 "Exhibit B," and said Commission made its recommendation; and
16

17 WHEREAS, the City has reviewed the applicant's request and prepared a staff
18 report concerning the application, which is attached hereto and incorporated herein by
19 this reference as "Exhibit C"; and
20

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

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

27 Section 1 – The property generally located at 701 West Wall Street and
28 described in "Exhibit A," which is attached hereto and incorporated herein by this
29 reference, is hereby rezoned from HM, Heavy Manufacturing to CC, Center City District.
30 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for
31 interpretation,' is hereby amended, changed, and modified consistent with this
32 Ordinance.
33

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

39
40 Section 3 – The Official Zoning Map herein adopted shall be maintained and
41 archived in the same digital form in which this Council has approved its adoption.

42
43 Section 4 – This Ordinance shall be in full force and effect from and after
44 passage.

45
46 Passed at meeting: _____

47
48 _____
49 Mayor

50
51 Attest: _____, City Clerk

52
53 Filed as Ordinance: _____

54
55 Approved as to form: Laura Vales, Assistant City Attorney

56
57 Approved for Council action: Jason A. Hays, City Manager
58
59

EXHIBIT A

LEGAL DESCRIPTION

BEGINNING AT A SURVEY MONUMENT SET ON THE SOUTH RIGHT-OF-WAY LINE OF PHELPS STREET, AT THE SOUTHWEST CORNER OF GRANT AVENUE AND PHELPS STREET, SAID CORNER BEING 315.50 FEET NORTH AND 35.00 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION FOURTEEN (14), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22); THENCE NORTH 89° 35' 20" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF PHELPS STREET AS IT NOW EXISTS, A DISTANCE OF 298.33 FEET TO A SURVEY MONUMENT SET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE OF PHELPS STREET, SOUTH 00° 49' 07" WEST, 10 FEET EAST OF AND PARALLEL WITH THE EAST FACE OF THE TOOMBS AND COMPANY BUILDING AS DESCRIBED IN BOOK 746, AT PAGE 319 IN THE RECORDER'S OFFICE IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, A DISTANCE OF 137.96 TO A SURVEY MONUMENT SET ON THE NORTH RIGHT-OF-WAY LINE OF WALL STREET AS IT NOW EXISTS; THENCE SOUTH 89° 68' 03" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF WALL STREET, A DISTANCE OF 297.64 FEET TO A SURVEY MONUMENT ON THE WEST RIGHT-OF-WAY LINE OF GRANT AVENUE; THENCE NORTH 01° 07' 03" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF GRANT AVENUE TO THE POINT OF BEGINNING, ALL BEING IN THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION FOURTEEN (14), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22), IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – January 11, 2024

Z-5-2024

701 West Wall Street

Applicant: Slaughter House Productions, LLC

Mr. Daniel Neal stated that this is a request to rezone approximately 1 acre of property from HM, Heavy Manufacturing District to CC, Center City District.

No speakers.

Ms. Broekhoven closed the public hearing.

COMMISSION ACTION:

Planning and Zoning Commission Board Member Knuckles moved to approve Z-5-2024, Commissioner Pauly seconded the motion. It was **Passed** with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Knuckles.

Nays: None. Absent: Commissioner Gunther, Commissioner Colony. Abstain: None.

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

Bob Hosmer, AICP
Planning Manager

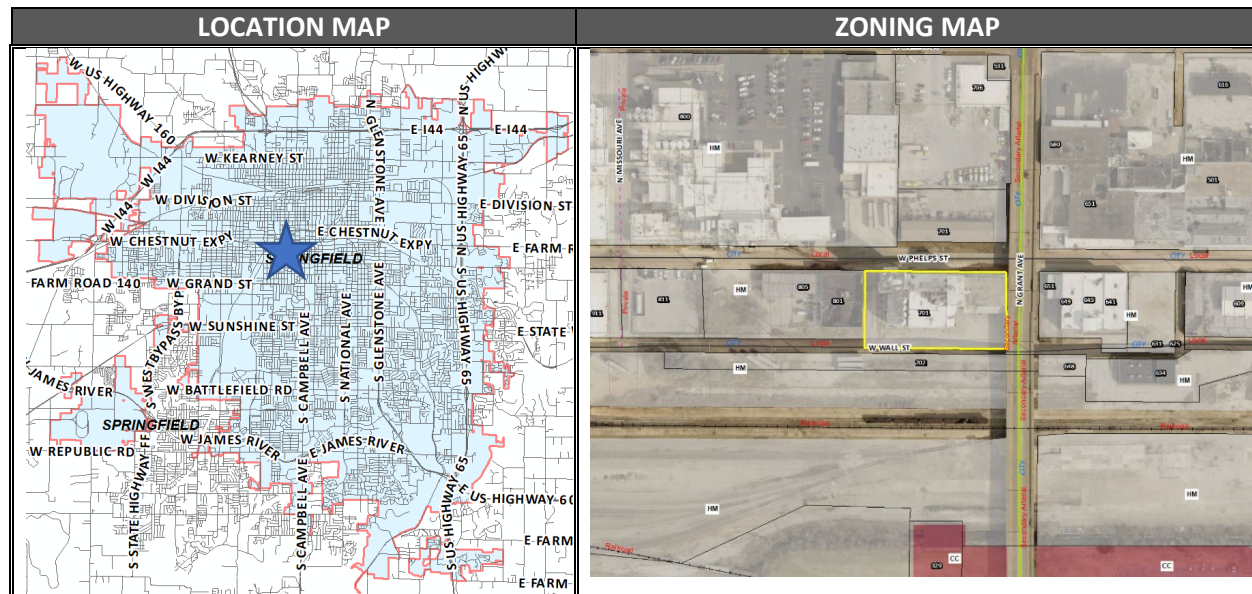
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-5-2024
Location:	701 W. Wall Street
Total Acres:	1 acre
Applicant:	City of Springfield
Existing Land Use:	Commercial amusement
Neighborhood Meeting:	December 21, 2023
Planning and Zoning Commission:	January 11, 2024
City Council:	February 12, 2024
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Daniel Neal, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-5-2024 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

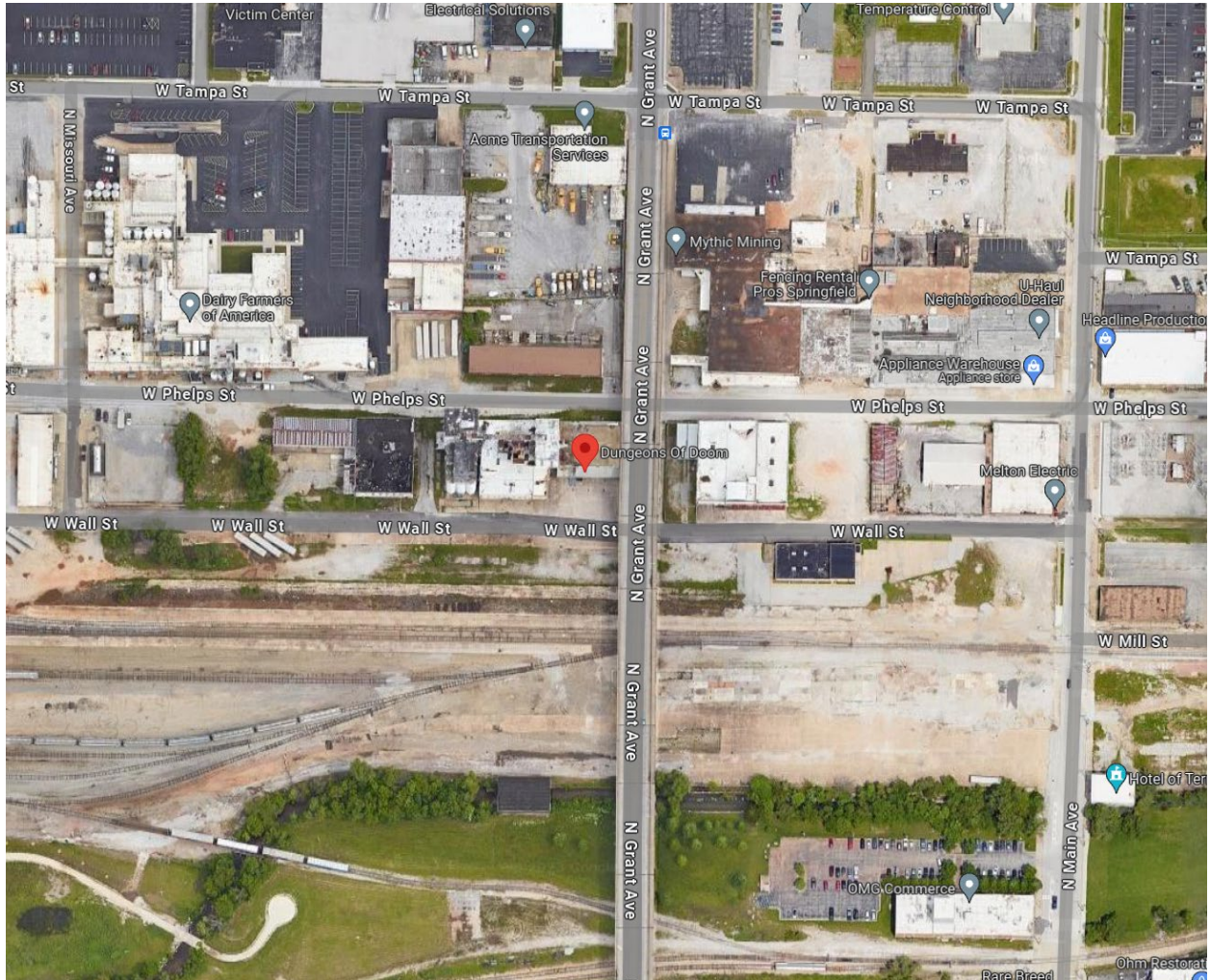
PROJECT SUMMARY:

Request to rezone approximately 1 acre of property generally located at 701 W. Wall Street from HM, Heavy Manufacturing District to CC, Center City District.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property has been zoned HM, Heavy Manufacturing since the Citywide remapping in 1995.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

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

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR CC
Use Limitations	(a) All activities and permitted uses except the following shall be conducted entirely within a completely enclosed building. 1. Automobile servicing, but not repair. 2. Drive-in, pick-up window, or drive-thru facilities. 3. Occasional sidewalk sales. 4. Off-street parking and loading facilities. 5. Outdoor eating and drinking facilities. 6. Outdoor live or amplified music provided a permit for such activity has been obtained from the city manager pursuant to chapter 2, article I, section 2-10, permits for outdoor music and any regulations promulgated by the city manager and on file with the city clerk. 7. Playgrounds associated with a school or day care center. 8. Street vendors licensed by the City of Springfield.

DEVELOPMENT REVIEW STAFF REPORT

	(d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. (f) No use shall emit an odor that creates a nuisance as determined by Springfield City Code.
Maximum Height	None.
Minimum Open Space	None.
Buffering and Landscaping	Whenever any development in a CC district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480 , screening and fencing, and 36-482 , landscaping and bufferyards

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Business Flex placetype. This placetype includes areas with an eclectic mix of light industrial, office, storage, warehouse, and distribution centers, complemented by the occasional commercial sales and services. Business Flex areas are located on secondary roadways, where good street connectivity and access to major roadways and distribution routes can be easily accessed. Located in expanded areas adjacent to higher, more intense industrial uses and city corridors, Business Flex provide support services, sales, service, and supply of goods to consumers and contractors, where high visibility road frontage is not a priority. Planning for this placetype focuses on ensuring Business Flex operations have sufficient land available to expand and grow, while not dominating corridors where high visibility, retail frontage is prioritized.

PRIMARY USES

- Maker spaces, artisan, and innovation spaces
- Personal and outdoor storage
- Light industry
- Warehousing and distribution facilities

SUPPORTING USES

- Parks, greenways, and open space
- Sports complexes and recreational facilities
- Urban agriculture
- Office, hospitality, retail sales and service
- Universities, colleges, and vocational schools
- Government, healthcare, and institutional facilities

DEVELOPMENT REVIEW STAFF REPORT

- Airport, railroad, and freight facilities

The Downtown placetype serves as the primary activity center of Springfield, containing a wide variety of uses, such as retail, entertainment, office, institutional, multi-family residential, and public gathering spaces. The pedestrian environment is accentuated with ample streetscaping elements, offering a unique and attractive place to live, work, shop, dine, and socialize. This placetype contains the densest areas within the City with higher building heights encouraged. Vertical mixed-use buildings with residential or office located above active ground floor uses, oriented to streets and sidewalks, are the predominant development type. Some supporting stand-alone commercial or multifamily uses also exist. Integrated multi-family housing increases foot-traffic in the area, helping to create a lively, thriving environment.

PRIMARY USES

- Mixed-use
- Office, hospitality, retail sales and service
- Multifamily
- Maker, artisan, and innovation spaces

SUPPORTING USES

- Parks, greenways, and open space
- Sports complexes, and recreational facilities
- Universities, colleges, and vocational schools
- Public and private schools and places of worship
- Government, healthcare, and institutional facilities

PLACETYPE ASSIGNMENTS AND TRANSITIONS

Assignments

Placetype designations are based on a variety of factors but largely represent desired future land use patterns. Placetype assignments also reflect existing development patterns, take into consideration historical value, as well as the impact and relationship to the built and natural environment. The following conditions and land characteristics should be considered when changes or amendments are proposed to and within a placetype.

Primary use - The predominate historical use and development pattern of a geographic area that exists within the built and natural environment.

Proximity – The location with respect to significant landmarks and geographic places

Edges and boundaries – Natural boundaries and geographic edges, including major roadways, railways, waterways, parks, and geographical land features.

Roadway classifications – Functional use and type of roadways on the edges or at crossroads

DEVELOPMENT REVIEW STAFF REPORT

Regulatory – Existing zoning, permitted and conditional uses, historic designations, and redevelopment plans.

Forecasts – Anticipated major land use shifts, changes in use, or trends.

Other Considerations –

Decreasing or increasing market demand for commercial or housing in non-traditional districts or corridors

Greater focus on integrating diverse uses at the edges and areas of transition.

Community expectations

More walkable, livable integrated neighborhoods and districts

Documented increases in nuisances, code violations, disinvestment, and other related trends

More diversity in housing types, affordability, and availability

Increased beautification, aesthetics, and identity

Greater focus on preservation, adaptation, and reuse of existing homes and structures

Transitions

In every city, dissimilar land uses converge at some point. Transitioning within, between, and along the edges is one of the most critical elements to align as Placetypes are implemented, changed, or amended. Typically, a one-to-two-block transition zone on either side of both placetype boundaries would be a practical zone to complete the transition from one placetype to another.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:



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

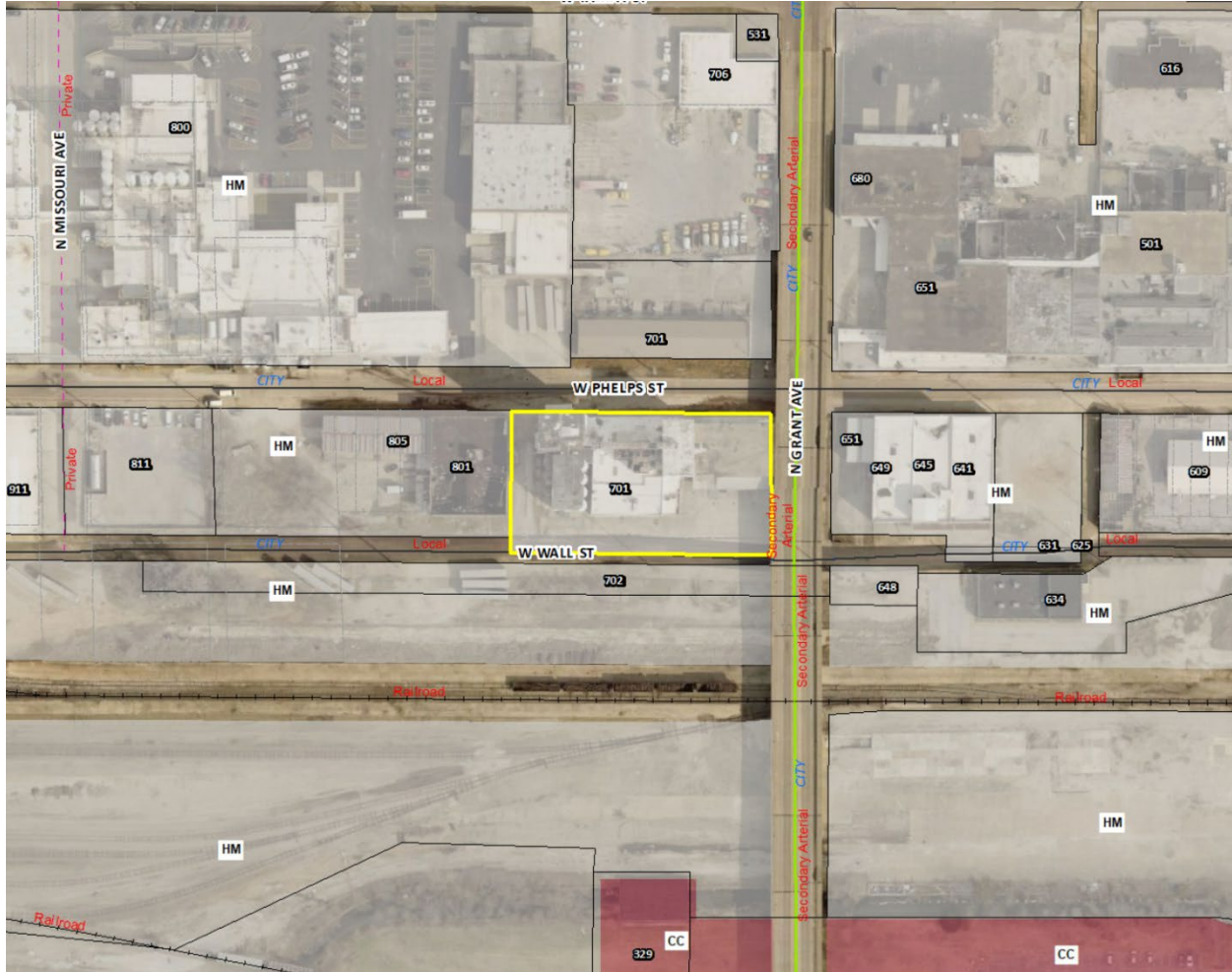
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

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

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

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	HM	HM	HM	HM
LAND USE	Industrial uses	Railroad	Industrial uses	Vacant site
PLACETYPES	Business Flex	Business Flex	Downtown	Business Flex

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the proposed rezoning.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues with rezoning. Tract is served by public sewer.

FIRE DEPARTMENT:

No comments.

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	W. Wall Street	Local	City	25	15	NA	Yes	Yes	No
Street 2	W. Phelps Street	Local	City	25	30	NA	Yes	Yes	No

ACCESS - 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 Trail near the property. There are no bus stops 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

701 W Wall St is a 1.07-acre lot that is approximately 100% existing impervious area. The lot drains to W Wall St. No existing detention or water quality Stormwater Control Measures are present. The property is in the **Jordan Creek Lower Branch** drainage basin. The property is 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**.

DEVELOPMENT REVIEW STAFF REPORT

PW Stormwater has no concerns for the proposed rezoning from HM to CC. 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

N/A

WATER QUALITY REQUIREMENTS

N/A

FLOODPLAIN

1. The proposed rezoning is within the Floodplain of the Jordan Creek Lower Branch stream. Per Chapter 3, Sec 2.6 a Floodplain Development Permit is required when constructing a new development.

a. Floodplain Development Permit: As described in Section 2.2.3 and Chapters 1 and 2, Springfield participates in the NFIP, which requires that the City administer the rules of the NFIP through floodplain regulation. Depending on the proposal and circumstances, various permits may be required when a structure or fill are proposed in the floodplain or floodway. An elevation certificate is required for any structure constructed in the floodplain.

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 acre of property generally located at 701 W. Wall Street from HM, Heavy Manufacturing District to CC, Center City District. The applicant intends to expand the existing commercial amusement use. Center City District does not require off-street parking and would accommodate the commercial amusement uses.
2. While this application may have some compatibilities with the Business Flex placetype of the *Comprehensive Plan's Land Use & Development* chapter, it is better suited in the Downtown placetype which is across Grant Avenue. The *Land Use & Development* chapter states that typically, a one-to-two-block transition zone on either side of both placetype boundaries would be a practical zone to complete the transition from one placetype to another. Staff believes that the typology of the Downtown placetype is more appropriate for this particular

DEVELOPMENT REVIEW STAFF REPORT

site could be mixed use with office, retail, service and multifamily which are primary uses in this placetype. Additionally, this property is near to the Renew Jordan Creek/ Jordan Valley West Meadows Plan. The Business Flex placetype focuses more on industrial uses such as storage, distribution, and warehousing.

3. 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.
4. There are known changing conditions in the area affected that make the proposed rezoning necessary. The applicant is proposing to relocate another commercial amusement use to the subject property.
5. The range of uses in the proposed Center City district are compatible with the uses permitted on other property in the immediate vicinity. The CC district allow for manufacturing uses as well as mixed use development.
6. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned.
7. 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. A traffic study is not required as part of this rezoning.
8. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
9. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. The property can still develop with the existing zoning.

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Downtown 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: HM, Heavy Manufacturing to CC, Center City
(existing zoning) (proposed zoning)
2. Meeting Date & Time: Thursday, December 21, 2023 4-6:30 PM
3. Meeting Location: Busch Municipal Building, 840 Boonville Ave., Springfield, MO 65802
4. Number of invitations that were sent: 32
5. How the mailing list was generated: City of Springfield
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).

No issues with rezoning, wanted the property to be maintained.

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

N/A

I, Bob Hasmer (print name), attest that the neighborhood meeting was held on 12-21-23 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

Thomas R. Hasmer

Printed name of person completing affidavit

Hotel of Terror/City of Springfield 12/21/2023

4:00pm to
6:30pm

NAME	PROJECT
Bob Hosmer	City of Springfield Planning Dept.
Joe Costello	Fast Finish, LLC
Paul Blees	City of Springfield - ROW
Daniel Neal	City of Springfield, Planning Dept.
Sterling Mathis	701 W Wall Dungeons of Doom

Bob Hosmer - Neighborhood Mgt



EXPLANATION TO COUNCIL BILL 2024-030 (MCGULL)

FILED: 02/15/2024

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 0.36 acres of property generally located at 1137 and 1141 East Delmar Street from R-SF, Residential Single-family district, within Phelps Grove Urban Conservation District No. 4, to Planned Development No. 387; and adopting an updated Official Zoning Map. (By: MSU Housing, LLC & Faucett & Bates Properties, LLC; 1137 and 1141 East Delmar Street; Planned Development No. 387).

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.36 acres of property generally located at 1137 & 1141 East Delmar Street from R-SF, Residential Single-family District within Phelps Grove Urban Conservation District No. 4 ("UCD") to Planned Development No. 387. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION: PLANNED DEVELOPMENT NUMBER 387

The applicant intends to renovate and expand the existing restaurant, Bambino's on-site to improve the kitchen and storage areas. The expanded kitchen would occupy more of the ground floor space, and the new second floor addition will support seating and office spaces. This requires the property to the west, 1137 E. Delmar, to be included in the planned development as to remove the 30-degree bulk plane limitation, and to allow a cooperative parking agreement between the property owners to help alleviate the parking congestion in the public right-of-way. This development will help preserve the neighborhood restaurant that has long been a part of the history and vitality of the Phelps Grove neighborhood.

REMARKS: The Planning and Zoning Commission held a public hearing on January 11, 2024, and, at the request of the applicant, amended the application to remove item #9 in Exhibit 1 – Section D, "Short-term rental type 3 in accordance with section 36-473." The Planning and Zoning Commission recommended to approve the amended application, 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 0.36 acres of property generally located at 1137 & 1141 East Delmar Street from R-SF, Residential Single-family District within Phelps Grove Urban Conservation District No. 4 (UCD) to Planned Development No. 387. The current location of the restaurant is in operation as a non-conforming land use.
2. The applicant intends to renovate and expand the existing restaurant, Bambino's on-site to improve the kitchen and storage areas. The expanded kitchen would occupy more of the ground floor space, and the new second floor addition will support seating and office spaces. This requires the property to the west, 1137 E. Delmar, to be included in the planned development as to remove the 30-degree bulk plane limitation, and to allow a cooperative parking agreement between the property owners to help alleviate the parking congestion in the public right-of-way. This development will help preserve the neighborhood restaurant that has long been a part of the history and vitality of the Phelps Grove neighborhood.
3. *The Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Center City neighborhood placetype.
4. This application is consistent with the Placetypes recommendation that 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.
5. *The Comprehensive Plan's Economic Development Chapter 8* supports the reuse of existing concentrations of neighborhood-serving commercial uses in residential neighborhoods.
6. The restaurant is intended to expand by adding a second story. However, the height will be limited to no more than as allowed in the R-SF district.
7. 1137 East Delmar Street is currently and will remain a single-family home. This property is included in the planned development to remove the 30-degree bulk plane limitation, and to allow a cooperative parking agreement between property owners to help alleviate the parking congestion in the public right-of-way. The permitted uses on 1137 East Delmar Street will remain as the R-SF district.
8. Approval of this application will allow for the redevelopment and continued use of this property and promote infill development where investments have already been made in public service and infrastructure.
9. This application includes design guidelines for the restaurant so that it will be more compatible with the surrounding single-family homes in this area. These guidelines include prohibiting vinyl siding, vinyl windows and other materials not commonly found

in the area homes. It is also meant to have the development complement the architectural style of the surrounding neighborhood through the use of window openings and pitched roof profiles. Architectural details and cornices shall be appropriate to the style of the building. See Section H, Design Requirements for a full list of design guidelines included in this application.

10. The perpendicular parking on the west side of Florence Avenue north of Delmar Street is allowed as shown on the Exhibit 2. Parking stalls shall not extend east beyond the existing curb line/edge of street pavement. Vacation No. 833 is being processed concurrently with this application and, if approved, will vacate approximately eight (8) feet directly east of the subject property allowing these stalls to be private parking for use of the restaurant.

11. The off-street parking is intended to have access directly off Florence Avenue. The Traffic Division of Public Works reviewed this and determined it to be acceptable given that Florence Avenue currently has a reduced width and therefore functions as an alley in this location. Additionally, Florence Avenue has reduced traffic service as it dead ends north of this property and only handles traffic from the alley and to two residential homes on the east side of Florence Avenue. The vacation will extend only to the curb on Florence Street and not narrow or impact the driving surface of the street.

12. 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.

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

14. The range of uses in the proposed Planned Development is compatible with the uses permitted on other property in the immediate vicinity. The subject property has been the site of a long-standing business.

15. 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.

16. 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. The Planned Development will allow off-street parking to be redesigned to help alleviate on-street parking.

17. 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.

18. 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:

Attachments:

1. PD 387 - 1141 E. Delmar Street_Ord
2. Legal Description_exhA
3. ROP_exhB
4. Staff Report_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 33
Filed: 02-06-24

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-030

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 0.36 acres of property generally located at 1137 and 1141 East
4 Delmar Street from R-SF, Residential Single-family district, within
5 Phelps Grove Urban Conservation District No. 4, to Planned
6 Development No. 387; and adopting an updated Official Zoning
7 Map.
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at 1137 and 1141 East Delmar Street, and more fully described in
12 "Exhibit A," from R-SF, Residential Single-family, within Phelps Grove Urban
13 Conservation District No. 4 ("UCD"), to Planned Development No. 387; and
14

15 WHEREAS, following proper notice, a public hearing was held before the
16 Planning and Zoning Commission on January 11, 2024, a copy of the Record of
17 Proceedings from said public hearing being attached hereto and incorporated herein by
18 this reference as "Exhibit B," and said Commission made its recommendation; and
19

20 WHEREAS, the City has reviewed the applicant's request and prepared a staff
21 report concerning the application; and
22

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

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

29 Section 1 – The property described in "Exhibit A," which is attached hereto and
30 incorporated herein by this reference, is hereby rezoned from R-SF, Residential Single-
31 family, within Phelps Grove Urban Conservation District No. 4 ("UCD"), to Planned
32 Development No. 387. Springfield Land Development Code, Section 36-306, 'Official
33 zoning map and rules for interpretation,' is hereby amended, changed, and modified

34 consistent with this Ordinance.

35
36 Section 2 – The property described in “Exhibit A” of this Ordinance shall be
37 subject to the requirements and standards included in the Development Review Staff
38 Report, attached hereto as “Exhibit C – Exhibit 1,” and these requirements and
39 standards shall govern and control the use and development of the land in Planned
40 Development No. 387.

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

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

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

53
54 Passed at meeting: _____

55
56 _____
57 Mayor

58
59 Attest: _____, City Clerk

60
61 Filed as Ordinance: _____

62 Approved as to form: Laura Vales, Assistant City Attorney

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

EXHIBIT A

LEGAL DESCRIPTION

All of Lot 38 of Block B of Waverly Place subdivision as recorded in Greene County Book 2021, Page, 02782521

All of Lot 37 of Block B of Waverly Place subdivision as recorded in Greene County Book 2016, Page, 00693816

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – January 11, 2024

Planned Development 387
1137 & 1141 East Delmar Street
Applicant: MSU Housing, LLC and Faucett & Bates Properties, LLC

Mr. Sparlin stated that this is a request to rezone approximately 0.36 acres of property R-SF, Residential Single-family District within Phelps Grove Urban Conservation District to Planned Development No. 387. He also noted that the applicant would like to amend their application to remove: Section D, item #9. Short-Term Rental Type 3.

Mr. Billy Kimmons, 400 South Avenue speaking on behalf of the applicant, noting that the two properties have been coexisting as parking and other things for this site and the proposed plan is for improvement as it has been a legal non-conforming site.

Mr. Pauly asked if the neighborhood have been presented with the Planned Development? Mr. Kimmons noted that the owner will be speaking next and noted that they have shared the proposed drawing.

Mr. Andy Faucett, 1047 E. Kingsbury stated that they have reached out to the neighborhood, and everyone has been supportive.

Ms. Broekhoven closed the public hearing.

COMMISSION ACTION: #1

Planning and Zoning Commission Board Member Knuckles moved to amend the application to remove Section D – Item #9. Short-Term Rental Type 3 of Planned Development 387, Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Knuckles. Nays: None. Absent: Commissioner Gunther, Commissioner Colony. Abstain: None.

COMMISSION ACTION: #2

Planning and Zoning Commission Board Member Knuckles moved to approve Planned Development 387, Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Knuckles. Nays: None. Absent: Commissioner Gunther, Commissioner Colony. Abstain: None.



Bob Hosmer, AICP
Planning Manager

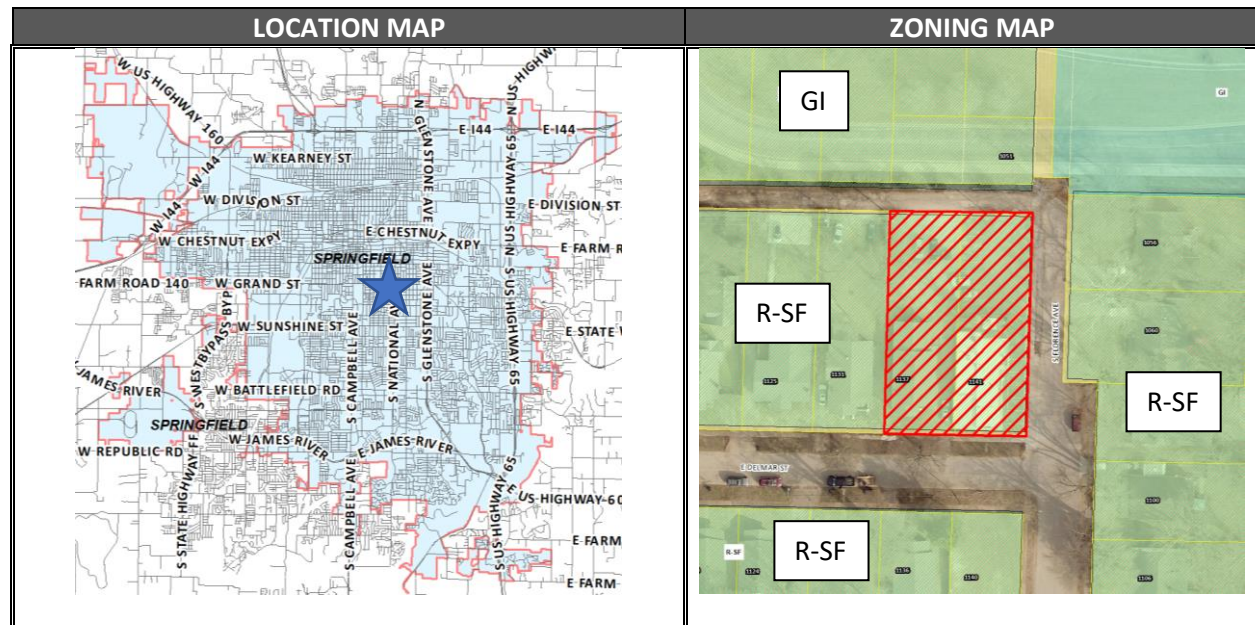
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PROJECT INFORMATION

Case Number:	Planned Development No. 387
Location:	1137 & 1141 East Delmar Street
Total Acres:	0.36
Applicant:	MSU Housing, LLC & Faucett & Bates Properties, LLC
Existing Land Use:	Single-family home & restaurant
Neighborhood Meeting:	October 15, 2023
Planning and Zoning Commission:	January 11, 2024
City Council:	February 12, 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 Planned Development No. 387 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

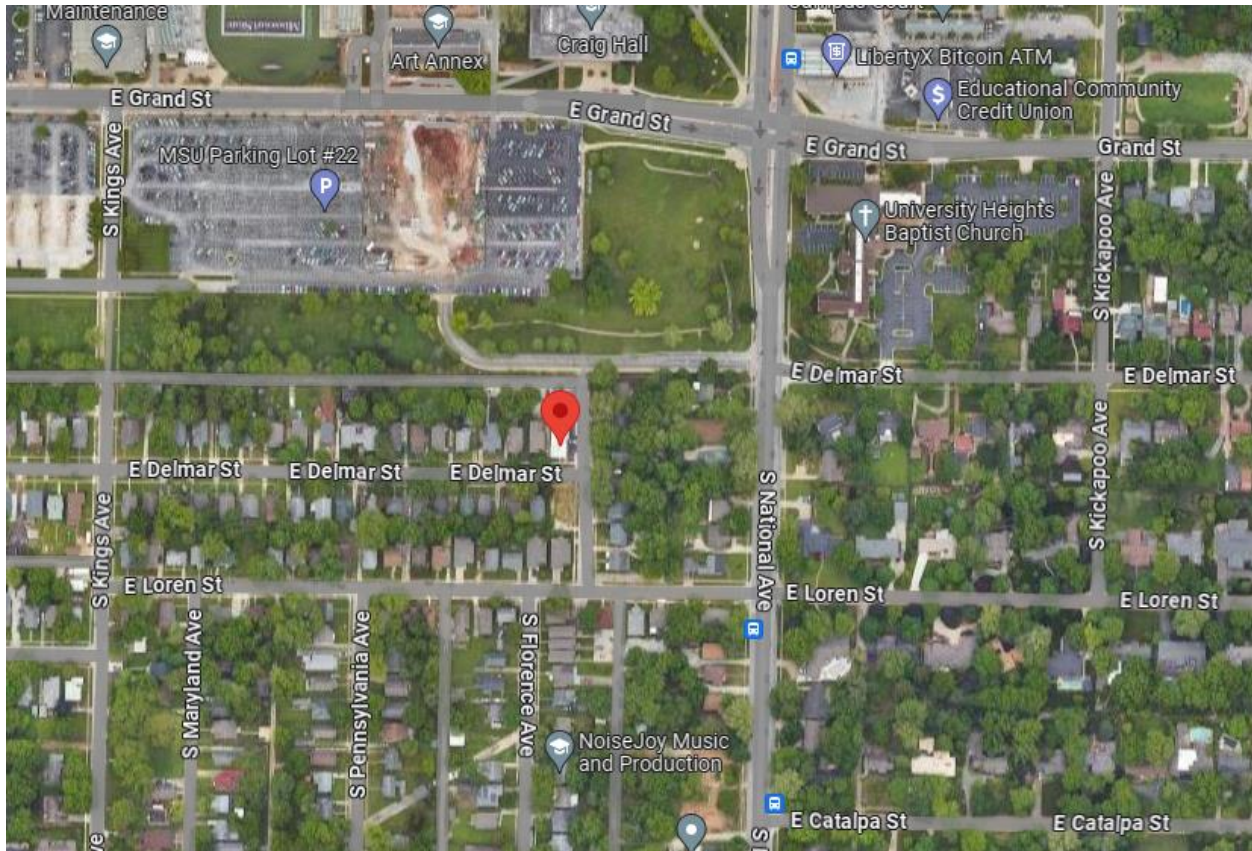
PROJECT SUMMARY:

Request to rezone approximately 0.36 acres of property generally located at 1137 & 1141 East Delmar Street from R-SF, Residential Single-family District within Phelps Grove Urban Conservation District No. 4 (UCD) to Planned Development No. 387.



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GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE STREETVIEW:



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PROPERTY HISTORY:

The subject property was zoned R-SF in the 1995 city-wide remapping. The Phelps Grove Urban Conservation overlay district was adopted in 1997 and revised in April 2019. The restaurant is considered an existing non-conforming use in an R-SF district.

Land use maps dated from 1964 indicate a commercial use on the subject property.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

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

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

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR PD 387
Minimum Yard Requirements	See Exhibit 1.
Maximum Structure Height	Principal building 35 feet or two and one-half stories above the finished grade, except that all non-residential structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Minimum Open Space	See Exhibit 1
Buffering and Landscaping	See Exhibit 1.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

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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

1. Single-family detached

SUPPORTING USES

1. Single-family attached
2. Low-intensity multifamily
3. Low-intensity, neighborhood commercial
4. Parks, greenways, and open space
5. Public and private schools and places of worship
6. Low-intensity urban agriculture

CHARACTERISTICS TRANSPORTATION & INFRASTRUCTURE

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1. 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.
2. 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.
3. 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.
4. Alleys provide pedestrian connections, alternative access to rear yards, detached garages, and other approved accessory uses.
5. 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.
6. 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.
7. 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:

1. The main entrances of new residential developments are oriented towards the primary street.
2. Preservation and adaptive reuse of neighborhood schools and surplus buildings are encouraged.
3. 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.
4. 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.
5. New and infill buildings maintain the proportions and architectural features common in the existing block.
6. 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.

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

1. Residential subdivisions are designed and platted in more conventional layouts with shorter blocks.
2. Lots have a variety of widths, depths, and setbacks creating unique identity from neighborhood to neighborhood.
3. While not as common, attached, and detached garages provide limited parking options and create a greater demand for on-street parking.
4. Garages reflect the architectural style and scale of the primary buildings and are often setback well behind the front facade.

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5. 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.
6. Properties and neighborhoods eligible for local historic designation are continually identified and preserved.
7. 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.
8. 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.
9. Neighborhood parks, community centers, greenway or trailheads, museums, gardens, schools, and churches can serve as anchors for neighborhood commercial hubs.

Transitions:

1. 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.
2. Lower density residential uses are sufficiently screened and buffered between higher density housing and nonresidential uses.
3. 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.

Chapter 8 Economic Development

Goal 4.1 SUPPORT NEIGHBORHOOD COMMERCIAL

Support smaller-scale commercial development and local businesses in neighborhoods.

As Springfield has a significant number of commercial corridors that are auto-oriented in nature and contain an abundance of strip centers and big box retail occupied by national chains and franchises, supporting smaller-scale, local businesses were identified as a top priority by the community during public engagement. A great example that was highlighted frequently by community members are the small businesses at Cherry and Pickwick located in Rountree neighborhood, which feature locally owned restaurants, cafes, and shops in a charming, pedestrian-friendly setting.

These types of small businesses should continue to be supported throughout the City, particularly within the **Residential** and **Mixed Residential** placetypes. A highly walkable urban core represents the best environment for small, local, start-ups to get a footing and thrive. The City must continue to invest in projects like the Grant Avenue Parkway and Renew Jordan Creek to foster new investment, especially in Downtown (see **Chapter 13: Downtown Plan**). While Downtown should serve as the main focal point of mixed-use development and activity, other smaller-scale, pedestrian-friendly neighborhood commercial hubs should be

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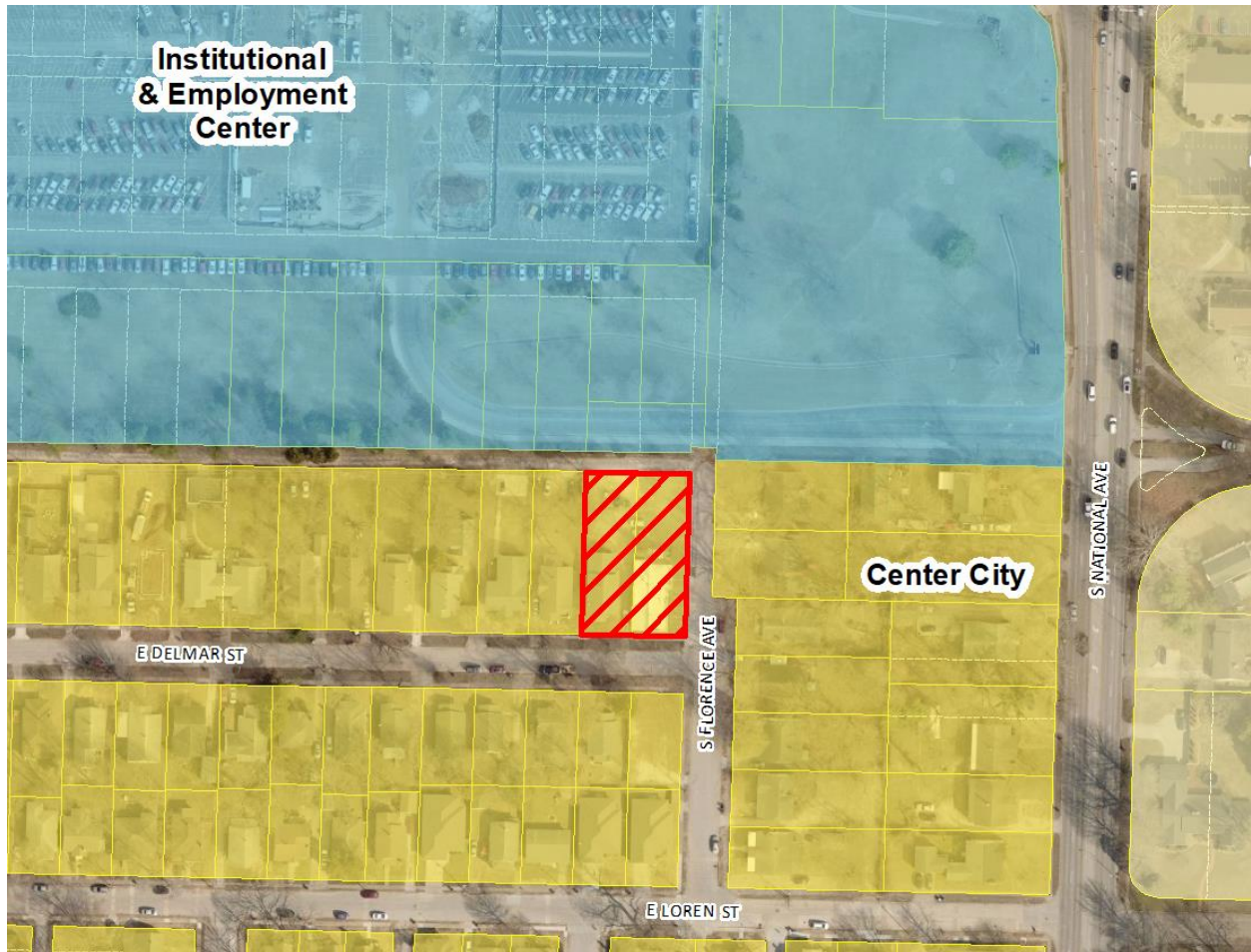
supported within residential areas. This will also help promote Springfield as an attractive place to live and work. As detailed in **Chapter 7: Housing and Neighborhoods**, Adaptive reuse of older and underutilized homes, industrial, or commercial buildings that are dispersed within or along the perimeter of neighborhoods should be supported as a strategy to support the development of neighborhood commercial hubs.

Potential locations where neighborhood commercial nodes could develop would include:

1. Low-intensity, neighborhood-scale commercial nodes could potentially be located at former trolley or streetcar stops where non-residential structures, sites, and neighborhood fabric still exist.
2. At intersections of key corridors, where transit and other multimodal, trail, or greenway connections can be enhanced with increased housing and neighborhood scale services, shops, and dining.
3. At locations where community facilities and amenities or other informal neighborhood hubs already exist. Neighborhood parks, community centers, greenway or trailheads, museums, gardens, schools, and churches can serve as anchors.

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FUTURE PLACETYPE MAP:



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

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

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

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

MAJOR THOROUGHFARE MAP:



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SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-SF	R-SF
LAND USE	MSU access drive & stormwater detention	Single-family residential	Single-family residential	Single-family residential
PLACETYPES	Institutional & Employment Center	Center City neighborhood	Center City neighborhood	Center City neighborhood

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

Building separation may be an issue see chapter 6 of the 2018 IBC.

CITY UTILITIES:

No issues with rezoning or PD language. There is a security light on a pole near the north end of the 1141 E Delmar St property that appears to conflict with the new parking lot plan, however, this can be addressed at the time of construction.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues or conflicts with 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	E. Delmar Street	Local	City	25	25	NA	No	Yes	Yes
Street 2	E. Florence Avenue	Local	City	25	25	NA	No	Yes	Yes

ACCESS - All access to the development shall be per current City of Springfield standards for the street classification.

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There are no Greenway Trail near the property. There are no bus stops near the property.

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

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

1137 and 1141 E Delmar St are two residential lots that combined are 0.35-0.040 acres. Both drain to the E Delmar St. 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 **will be allowed**.

PW Stormwater has no concerns for the proposed rezoning from R-SF to PD. 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.
2. City of Springfield only allows three acceptable methods of discharge for stormwater if a property has been modified to increase the amount, location, or character of discharge per Chapter 2 Sec 4.1.4. If none of the three options are available then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.
 - (1) To a Public Right-of-way.
 - (2) A recorded drainage easement, continuing to a public right-of-way or public drainage system.
 - (3) A certified natural watercourse.

WATER QUALITY REQUIREMENTS

2. No water quality is required with the entire legal acreage area being under 1 acre.

FLOODPLAIN

N/A

NATURAL CHANNEL & STREAM BUFFERS

N/A

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SINKHOLES & KARST FEATURES

N/A

ADDITIONAL STORMWATER REQUIREMENTS

N/A

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 0.36 acres of property generally located at 1137 & 1141 East Delmar Street from R-SF, Residential Single-family District within Phelps Grove Urban Conservation District No. 4 (UCD) to Planned Development No. 387. The current location of the restaurant is in operation as a non-conforming land use.
2. The applicant intends to renovate and expand the existing restaurant, Bambino's on-site to improve the kitchen and storage areas. The expanded kitchen would occupy more of the ground floor space, and the new second floor addition will support seating and office spaces. This requires the property to the west, 1137 E. Delmar, to be included in the planned development as to remove the 30-degree bulk plane limitation, and to allow a cooperative parking agreement between the property owners to help alleviate the parking congestion in the public right-of-way. This development will help preserve the neighborhood restaurant that has long been a part of the history and vitality of the Phelps Grove neighborhood.
3. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Center City neighborhood placetype.
4. This application is consistent with the Placetypes recommendation that 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.
5. The *Comprehensive Plan's Economic Development Chapter 8* supports the reuse of existing concentrations of neighborhood-serving commercial uses in residential neighborhoods.
6. The restaurant is intended to expand by adding a second story. However, the height will be limited to no more than as allowed in the R-SF district.
7. 1137 East Delmar Street is currently and will remain a single-family home. This property is included in the planned development to remove the 30-degree bulk plane limitation, and to allow a cooperative parking agreement between property owners to help alleviate the parking congestion in the public right-of-way. The permitted uses on 1137 East Delmar Street will remain as the R-SF district.

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8. Approval of this application will allow for the redevelopment and continued use of this property and promote infill development where investments have already been made in public service and infrastructure.
9. This application includes design guidelines for the restaurant so that it will be more compatible with the surrounding single-family homes in this area. These guidelines include prohibiting vinyl siding, vinyl windows and other materials not commonly found in the area homes. It is also meant to have the development complement the architectural style of the surrounding neighborhood through the use of window openings and pitched roof profiles. Architectural details and cornices shall be appropriate to the style of the building. See Section H, Design Requirements for a full list of design guidelines included in this application.
10. The perpendicular parking on the west side of Florence Avenue north of Delmar Street is allowed as shown on the Exhibit 2. Parking stalls shall not extend east beyond the existing curb line/edge of street pavement. Vacation No. 833 is being processed concurrently with this application and, if approved, will vacate approximately eight (8) feet directly east of the subject property allowing these stalls to be private parking for use of the restaurant.
11. The off-street parking is intended to have access directly off Florence Avenue. The Traffic Division of Public Works reviewed this and determined it to be acceptable given that Florence Avenue currently has a reduced width and therefore functions as an alley in this location. Additionally, Florence Avenue has reduced traffic service as it dead ends north of this property and only handles traffic from the alley and to two residential homes on the east side of Florence Avenue. The vacation will extend only to the curb on Florence Street and not narrow or impact the driving surface of the street.
12. 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.
13. There are few changing conditions in the area affected that make the proposed rezoning necessary.
14. The range of uses in the proposed Planned Development is compatible with the uses permitted on other property in the immediate vicinity. The subject property has been the site of a long-standing business.
15. 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.
16. 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. The Planned Development will allow off-street parking to be redesigned to help alleviate on-street parking.

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17. 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.
18. 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 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

Attachment 1

1. Request change to zoning from: R-SF to PD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: October 15, 2023 from 4:00pm to 6:30pm
3. Meeting Location: 1141 E. Delmar
4. Number of invitations that were sent: 149
5. How the mailing list was generated: city staff
6. Number of neighbors in attendance (attach a sign-in sheet): 8
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 meeting summary.

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

None.

I, BILLY KIMMONS (print name), attest that the neighborhood meeting was held on 10/15/23 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."


Signature of person completing affidavit

BILLY KIMMONS
Printed name of person completing affidavit



October 16, 2023

Re: rezoning of 1137 & 1141 East Delmar Street

A neighborhood meeting was held on October 15, 2023 from 4:00pm until 6:30pm at 1141 East Delmar to discuss the rezoning application for the two parcels located at 1137 and 1141 East Delmar. Representatives of the applicant along with approximately five neighbors attended the meeting. The neighbors arrived at the start of the meeting and stayed for approximately 45 minutes. After this, no additional neighbors showed up. The meeting was pleasant, and those who attended expressed general support for the rezoning application. The following questions were asked during the meeting, and our responses are included below.

Question: What would happen if Bambino's closes and someone buys the restaurant? **Response:** *The rezoning would not limit the eating and drinking establishment to just one business. Other eating or drinking establishments would be allowed with this Planned Development.*

Question: Could another developer purchase the property, tear down the buildings, and rebuild whatever they want? **Response:** *The rezoning specifically outlines the approved uses. Any future development would have to substantially conform to this Planned Development.*

Question: What are you going to do to manage storm water runoff? **Response:** *All development plans will have to follow city guidelines for storm water management. The proposed plan considers landscaping strips to help mitigate storm water runoff from the parking area.*

The rest of the meeting was spent sharing stories about growing up in the area. Everyone who attended this meeting expressed their general support for this rezoning application.

Respectfully,

Billy Kimmons, AIA
Principal Architect



EXHIBIT 1

Requirements and Standards Applicable to Planned Development District No. 387

A. APPLICATION

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

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

B. INTENT

The intent of this new Planned Development will help bring 1141 E. Delmar into compliance with the conditions proposed and will allow for an expansion to the restaurant to improve the kitchen and storage areas. The expanded kitchen would occupy more of the ground floor space, and the new second floor addition will support seating and office spaces. This requires 1137 E. Delmar to also be included in this planned development to remove the 30-degree bulk plane limitation, and to allow a cooperative parking agreement between property owners to help alleviate the parking congestion in the public right-of-way. This development will help preserve this neighborhood restaurant that has long been a part of the history and vitality of this established neighborhood district.

C. DEFINITIONS

The definitions contained in the Zoning Ordinance shall apply to this ordinance. For purposes of this ordinance, the following definitions shall also apply.

D. USES PERMITTED

1337 East Delmar Street:

1. All permitted uses as permitted by section 36-380 (2) R-SF, Single-family Residential District.
2. Off-street parking lot.

1141 East Delmar Street:

1. Single-family detached dwellings.
2. Accessory uses, as permitted by section 36-450, accessory structures and uses.
3. Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
4. Eating and drinking establishments use group, including pick-up window, but excluding drive-in, or drive-thru facilities. Stand-alone bars and taverns are prohibited.
5. General office use group, excluding banks and financial institutions with automatic teller machines and drive-thru facilities.
6. Personal services use group.
7. Public and private parks, and playgrounds, excluding miniature golf courses and driving ranges.
8. Retail sales use group, excluding convenience stores with gas pumps.

~~9. Short term rental type 3 in accordance with section 36-173.~~

E. USE LIMITATIONS

1. All activities and permitted uses except off-street parking and loading facilities, outdoor common area, outdoor patio seating related to the uses, and pick-up windows shall be conducted entirely within a completely enclosed building.
2. All uses shall operate in accordance with the noise standards contained in Section 36-485 of the Springfield Zoning Ordinance.
3. No use shall emit an odor that creates a nuisance as determined by Springfield City Code.
4. Garbage pick-up at refuse storage areas shall not occur between the hours of 10:00pm and 7:00 am.
5. There shall be no truck deliveries to or pick-ups from any use located on the property between the hours of 10:00pm and 7:00am, however, deliveries and pick-ups by passenger vehicles within these time frames is not prohibited.
6. There shall be no delivery trucks allowed to remain on the property with their engines idling between the hours of 10:00pm and 7:00am, however, engine idling by passenger vehicles within these time frames is not prohibited.
7. Parking lot maintenance sweeping equipment shall not operate on the property between the hours of 10:00pm and 7:00am.

F. INTENSITY OF DEVELOPMENT

Development shall adhere to the following standards:

1. Maximum residential density: The maximum density shall be six thousand square feet (6,000 square feet) per dwelling unit provided the requirements of subsection 36-303(22) are met.
2. Maximum floor area: The maximum non-residential area allowed shall be five thousand square feet (5,000 square feet) combined on all stories.

G. BULK, AREA AND HEIGHT REQUIREMENTS

Development shall adhere to the following standards:

1. Minimum lot areas: 6,000 square feet.
2. Minimum lot widths: 50 feet.
3. Minimum lot depths: 80 feet.
4. Maximum structure heights: Principal building 35 feet or two and one-half stories above the finished grade. Except that all non-residential structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.

Minimum yard requirements:

1. Front yard: None, however, in no event may a structure be erected closer to the right of way line than the existing structures.
2. Side yard: None.
3. Rear yard: 20 percent of the lot depth or ten feet whichever is greater. No more than 20 feet shall be required.

H. DESIGN REQUIREMENTS

The design requirements shall adhere to the following standards:

Building Materials:

1. The following exterior building materials are not permitted: vinyl siding, vinyl windows, metal wall panels with exposed fasteners, galvanized metal wall panels, plastic wall cladding, corrugated metal panels, thin stone veneer (commonly referred to as “lick and stick stone”, manufactured panelized stone veneer, faux stone, or faux masonry).
2. The following exterior building materials are allowed, but not limited to: clay brick masonry, natural or cast stone masonry, architectural pre-cast block masonry, split-faced or ground-faced concrete masonry, terracotta, architectural concrete, glass, wood, cement board, stamped metal shingles, copper, standing seam steel or aluminum panels, aluminum windows, steel windows, wood windows, asphalt shingles, slate, synthetic stucco, stucco, wood, glass.
3. Exterior glass shall not be tinted. Opaque spandrel glass is not allowed.
4. Existing materials on existing building shall be acceptable.

Design to Encourage Pedestrian Activity:

1. A continuous pedestrian path (sidewalk) shall be provided along the east side of the property from Delmar Street to the north alley/property as shown on Exhibit 2.
2. Provide pedestrian amenities such as pedestrian scale lighting and furniture in the front yard to enhance the pedestrian environment and promote pedestrian access to the restaurant. Lighting sources or luminaries that do not have a cutoff and are used in parking lots and pedestrian ways shall not exceed a maximum of 15 feet in height. Lighting sources or luminaries that do have a cutoff shall not exceed a maximum of 30 feet in height. Parking lot lighting and pedestrian lighting should be appropriate to create adequate visibility at night and be evenly distributed to increase security.
3. The project will blend the building scale and set back with existing developments that are consistent with these guidelines.
4. The building elevation facing Delmar shall complement the architectural style of the surrounding neighborhood through the use of window openings and pitched roof profiles. Architectural details and cornices shall be appropriate to the style of the building.
5. At least two bicycle racks shall be provided to promote alternate means of transportation as shown in Exhibit 2.

Provide a Good Circulation System:

1. The design shall provide connectivity by including direct vehicular or access easements, pedestrian and bicycle connections between abutting or adjacent developments wherever possible by providing the sidewalk connections shown on Exhibit 2.

Respect the Natural Environment:

1. The total development shall include at least 15 percent of the total site or premise as open space.
2. Existing trees and vegetation shall be preserved to the best extent possible per the development shown in Exhibit 2.

I. OPEN SPACE, LANDSCAPING & SCREENING

1. Minimum open space:
 - a. Combined Planned Development area: Not less than 15 percent shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
 - b. 1137 E. Delmar: Not less than 20 percent shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
 - c. 1141 E. Delmar (Restaurant): None, however open space as shown on Exhibit 2.
2. Maximum impervious area: The combined area occupied by all main (primary) and accessory buildings or structures, parking storage, loading and other paved areas shall not exceed 85 percent of the total lot area unless modified in accordance with subsection 36-482(15).
3. Bufferyards: There shall be a 15-foot bufferyard with a 6-foot solid wood fence adjacent to the R-SF district to the west as shown on Exhibit 2. Plantings shall include one ornamental tree, one evergreen tree, and six shrubs.
4. Vehicular use area: Perimeter and interior landscaping shall be provided at the vehicular use areas as shown on Exhibit 2.

J. EXTERIOR LIGHTING

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

1. Purpose. The purpose of these requirements is to regulate the spillover of light and glare on operators or motor vehicles, pedestrians, and residential uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations form the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This section is not intended to apply to public street lighting, signs or seasonal displays.
2. Standards. The following standards are required of all exterior lighting, subject only to the exemptions permitted below.
 - a. The lighting installed in and around the development shall not exceed fifteen (15) feet in height above the finished grade of the parking lot on which the light standard is located. This lighting shall be directed in such a manner that the parking lots will be well illuminated, but is not directed toward the surrounding residential districts. The type and arrangement of the lighting shall have the most minimal impact practical on the nearby residential districts. The Final Development Plan shall include a parking lot photometric study which shows that the lighting at the property lines which abut residential property shall not exceed one (1) foot candle and that the average foot-candle lighting level across the lot shall not exceed two (2) foot candles. The illumination provided at the main entrance to the development described in Paragraph K shall be permitted to be up to four (4) foot candles provided the maximum lighting level at all property lines shall not exceed one (1) foot candle. The height of the lighting

poles at the entrance shall be limited to fifteen (15) feet and cut off fixtures which shield the lamps shall be required.

3. Exemptions. Emergency warning lights. Safety signal and warning device lighting shall be exempt from the exterior lighting standards of Section 36-484 above.
4. Exterior Lighting Plan. At the time any exterior lighting is installed or substantially modified for any use on the property, an exterior lighting plan shall be submitted in order to determine whether the requirements of this section have been met.

K. ACCESS TO PUBLIC THOROUGHFARES

Access to the public street system shown on Exhibit 2 shall be governed by the existing standards of the City of Springfield for the applicable street classification.

L. OFF-STREET PARKING

Sections 36-455, 36-456 and 36-483 of the Springfield Zoning Ordinance in effect at the time of development shall apply except as modified below;

Off-street parking shall generally conform to Exhibit 2. The number of spaces and approximate location will be provided as illustrated by Exhibit 2. The quantity of off-street parking shown on Exhibit 2 shall be considered satisfactory for the permitted uses of this District. A cooperative parking agreement shall be maintained between 1137 & 1141 East Delmar Street properties.

The perpendicular parking on the west side of Florence Avenue north of Delmar Street is allowed as shown on the Exhibit 2. Parking stalls shall not extend east beyond the existing curb line/edge of street pavement. Vacation No. 833 is being processed concurrently with this application and, if approved, will vacate approximately eight (8) feet directly east of the subject property allowing these stalls to be private parking for use of the restaurant. The off-street parking is intended to have access directly off Florence Avenue. The Traffic Division of Public Works reviewed this and determined it to be acceptable given that Florence Avenue currently has a reduced width and therefore functions as an alley in this location. Additionally, Florence Avenue has reduced traffic service as it dead ends north of this property and only handles traffic from the alley and to two residential homes on the east side of Florence Avenue. The vacation will extend only to the curb on Florence Street and not narrow or impact the driving surface of the street.

M. SIGNS

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

N. REQUIRED IMPROVEMENTS

1. Public improvements to be completed. Public and private improvements necessary to adequately accommodate the intensity of development proposed in this District shall be constructed prior to or concurrently with the development of the property. The development may be phased, and with each phase the Administrative Review Committee will make a determination as to the improvements that would be necessary to support the phase.

Prior to building permits being issued, the applicant or subsequent owners shall:

- a. construct the required improvements; or
 - b. provide assurances satisfactory to the Director of Public Works guaranteeing that all required improvements will be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department shall be provided to the City.
2. Certificate of occupancy. No certificate of occupancy shall be issued for any structure within this District, or phase of the development, unless:
- a. the required improvements are completed prior to occupancy of the structures; or
 - b. the Director of Public Works has determined that:
 - (1) any incomplete required improvements have little or no effect on the occupancy of the facility; or
 - (2) conditions beyond the control of the contractor, *i.e.*, strikes, weather, etc., have delayed the completion of the improvements.

If one of these conditions occurs, the Director of Building Development Services may permit occupancy under conditions satisfactory to the Director of Public Works that the required improvements will be completed as required by this ordinance within a reasonable time.

3. Required improvements. The following improvements are required for full development of the subject property:

- a. Sanitary sewer facilities.

Public sanitary sewer shall be extended onto this property to serve this project. Easements will be created and granted to the City of Springfield for these lines. Once on the property private sewers will be extended from the public main to serve the buildings. If the property is subdivided, public sanitary sewer shall be extended to each lot in accordance with the City's Subdivision Regulations.

- b. Storm water management facilities.

Current detention and water quality requirements must be met prior to development. All runoff from the site must drain to a detention basin or meet the buyout requirement. The detention basins must discharge to a public right-of-way, drainage easement or certified natural channel having sufficient capacity.

- c. Right of Way Improvements.

Alleyway improvements and On Street parking improvements as shown in Exhibit 2 will be constructed by the developer and meet public improvement standards.

4. Improvement Standards.
Improvements shall conform to the following standards.

- a. All utility services lines and utility connections shall be located underground, including, but not limited to, electrical and telephone cables, security and other

telecommunication systems and wires, unless utility easements providing for overhead service exist or are obtained in the future.

O. MAINTENANCE OF COMMON AREAS AND FACILITIES

The maintenance of common areas and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by a duly constituted property owners association meeting all legal requirements prescribed by the City Attorney.

P. PHASING

Development may be phased provided that all public improvements directly related to each phase are completed at the time of its development and that improvements serving the District as a whole and the adjoining area are completed in a sequence assuring full utility of the District as a whole and all areas within the District and so that future public improvements required by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

Q. FINAL DEVELOPMENT PLAN

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

1. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by Subsection 36-405 (9) (c) of the Springfield Zoning Ordinance.
2. The final development plan shall be submitted to the Administrative Review Committee for final action, either as a whole or in phases. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
 - a. Any uses within the District other than those specifically prescribed by the ordinance.
 - b. Any increase in the intensity of use permitted within the District.

N:\Volumes\hoodrich\Shared\DATA\PROJECTS\4.2023\223-143 Bambinos Addition\2 Drawings\01-ARCH\Pin\230920 Bambinos Planned Development.gn-Friday, January 5, 2024 5:11 PM

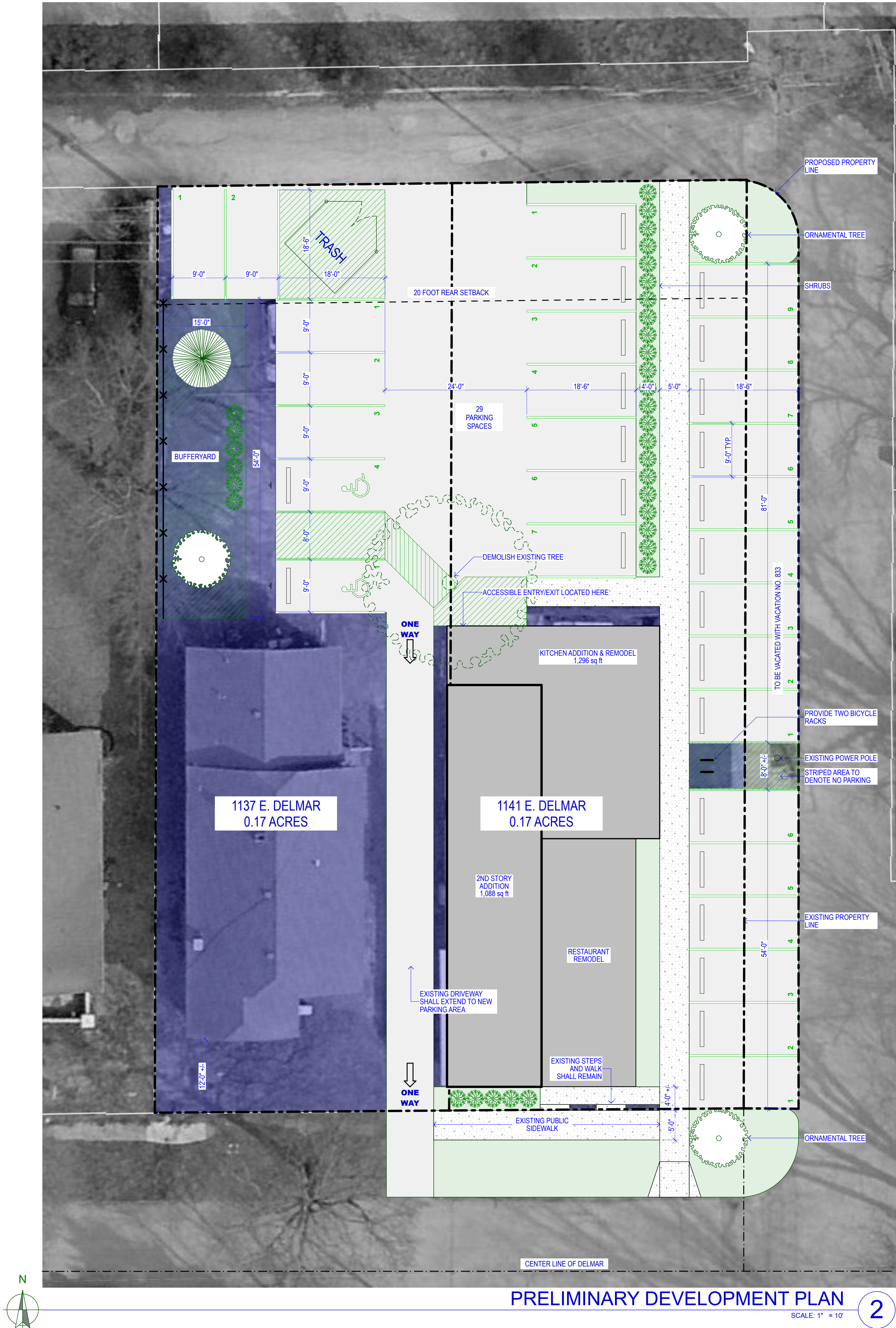


EXHIBIT 2

ZONING DATA:

ADDRESS: 1137 & 1141 EAST DELMAR SPRINGFIELD MISSOURI 65807
SITE AREA: 1137 E. DELMAR = 0.17 ACRES
1141 E. DELMAR = 0.17 ACRES
VACATION NO. 833 = 0.037 ACRES
ZONING: PROPOSED PLANNED DEVELOPMENT
REFER TO EXHIBIT 1 FOR ADDITIONAL DESIGN REQUIREMENTS

City Approval Stamp

HOOD-RICH ARCHITECTURE
h
HOODRICH.COM

400 South Avenue, Suite 300
Springfield, MO 65806
P: 417.862.4483

Hood-Rich, Inc. MISSOURI
Certificate of Authority A-622-D

BILLY KIMMONS - ARCHITECT
MISSOURI A-2003027165

The Professional Architects seal affixed to this sheet applies only to the material and items shown on this sheet. All drawings, instruments or other documents not exhibiting this seal shall not be considered prepared by this architect, and the architect expressly disclaims any and all responsibility for such plans, drawings or documents not exhibiting this seal.



PLANNED DEVELOPMENT
FOR
FAUCETT & BATES PROPERTIES, LLC
& MSU HOUSING, LLC
1137 & 1141 EAST DELMAR, SPRINGFIELD, GREENE COUNTY, MISSOURI 65807

Proj.No. 23-143

Date: 1/5/24

revisions: No. date

sheet
A1.0
SITE PLAN

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EXPLANATION TO COUNCIL BILL 2024-031 (MCGULL)

FILED: 02/15/2024

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance vacating a portion of public right-of-way located in the 1000 block of South Florence Avenue upon the occurrence of certain conditions. (By: Faucett & Bates Properties, LLC; 1000 block of South Florence Avenue, directly east of 1141 E. Delmar Street; Vacation No. 833).

PURPOSE: Vacating a portion of public right-of-way located in the 1000 block of South Florence Avenue upon the occurrence of certain conditions. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:
VACATION NUMBER 833

The applicant is requesting to vacate a portion of public right-of-way in the 1000 South Florence Avenue.

This vacation request to being processed concurrently with Planned Development No. 387. This vacation intends to utilize the proposed vacation area as private parking for Bambino's restaurant. PD 387 seeks to renovate and expand the existing restaurant.

The applicant is requesting to have conditions placed on this request. This condition is to ensure the associated Planned Development No. 387 is approved and the vacation will then follow approval of the Final Development Plan.

REMARKS: The Planning and Zoning Commission held a public hearing on January 11, 2024, 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 vacate a portion of public right-of-way in the 1000 South Florence Avenue.

2. This vacation request to being processed concurrently with Planned Development No. 387. This vacation intends to utilize the proposed vacation area as private parking for Bambino's restaurant. PD 387 seeks to renovate and expand the existing restaurant. One aspect of this project is to improve off-street parking for the restaurant and the street. The off-street parking is proposed to be located on the east side of the

property and have access directly off Florence Street. The Traffic Division of Public Works reviewed this and determined it to be acceptable given that Florence currently has a reduced width and therefore functions as an alley in this location. This vacation will extend only to the curb on Florence Street and not narrow or impact the driving surface of the street. The sidewalk has been realigned to allow this and will be located between the restaurant building and parking stalls.

3. The applicant is requesting to have conditions placed on this request. This condition is to ensure the associated Planned Development No. 387 is approved, and the vacation will then follow after approval of the Final Development Plan.

4. The requested vacation meets the approval criteria listed in "Exhibit C - Attachment 1."

5. The applicant is proposing to vacate right-of-way that is no longer needed and will help to improve the off-street parking in the area.

6. This vacation shall not become effective until the following condition is met:

a. Approval of the Final Development Plan by the Administrative Review Committee for Planned Development No. 387, which is being processed concurrently with this application. If this condition is not met within one (1) year of City Council approval of the vacation, the aforementioned vacation approval is null and void and the public street right-of-way shall remain.

STAFF RECOMMENDATION: Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's 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:

Attachments:

1. Vacation 833 - 1141 E. Delmar Street_ Ord
2. Vac 833_exhA
3. Vac 833_exhB
4. Vac 833_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 18
Filed: 02-06-24

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-031

GENERAL ORDINANCE _____

AN ORDINANCE

VACATING a portion of public right-of-way located in the 1000 block of South
Florence Avenue upon the occurrence of certain conditions.

WHEREAS, a petition has been received by the City of Springfield requesting the
vacation of a portion of public right-of-way in the 1000 block of South Florence Avenue;
and

WHEREAS, proper notice has been given as required by the laws and
ordinances of the City of Springfield; and

WHEREAS, the Planning and Zoning Commission held a public hearing on
January 11, 2024, and recommended approval of the vacation; and

WHEREAS, City Council finds that said vacation complies with the laws and
ordinances of the City of Springfield; and

WHEREAS, City Council's approval of said vacation is expressly subject to the
conditions contained in this Ordinance; and

WHEREAS, the conditions of this Ordinance will facilitate the development of the
applicant's property while ensuring that required public improvements are made.

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

Section 1 – The property described in "Exhibit A," which is attached hereto and
incorporated herein by this reference, is hereby vacated subject to the conditions
contained in the Ordinance.

Section 2 – City Council finds that this Ordinance shall be in full force upon the
completion of the following condition:

- 34 a. The approval of the Final Development Plan by the Administrative Review
35 Committee for Planned Development 387, which is being processed concurrently
36 with this application.
37

38 If this condition is not met within one (1) year of City Council's approval of the vacation,
39 the aforementioned vacation approval is null and void and the public right-of-way shall
40 remain.
41

42 Section 3 – Upon the Director of Planning and Development certifying in writing
43 to the City Clerk that the condition contained in this Ordinance has been met, this
44 Ordinance shall be in full force and effect. City Council finds that the condition contained
45 in this Ordinance is an integral part of the decision to vacate the public right-of-way
46 subject to this vacation request. If for any reason any section of this Ordinance is found
47 to be null and void, the whole Ordinance shall be considered null and void and the
48 vacation deemed ineffective.
49

50
51 Passed at meeting: _____
52

53 _____
54 Mayor
55

56 Attest: _____, City Clerk
57

58 Filed as Ordinance: _____

59 Approved as to form: Laura Vales, Assistant City Attorney
60

61 Approved for Council action: Jason C. Hage, City Manager
62

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND LYING IN BLOCK B OF WAVERLY PLACE, A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF LOT 38, BLOCK B IN THE PLAT OF WAVERLY PLACE AND ALSO BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 38, BLOCK B OF WAVERLY PLACE, SAID POINT ALSO LYING AT THE NORTHWEST CORNER OF DELMAR STREET AND FLORENCE AVENUE; THENCE ALONG THE WEST RIGHT-OF-WAY OF FLORENCE AVENUE NORTH $01^{\circ}06'13''$ EAST, 151.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 38; THENCE 17.11 FEET ALONG A 10.89 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH $43^{\circ}53'47''$ EAST FOR 15.40 FEET; THENCE SOUTH $01^{\circ}06'13''$ WEST, 140.84 FEET; THENCE NORTH $88^{\circ}59'28''$ WEST, 10.89 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. CONTAINING 1,627 SQUARE FEET AND 0.037 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – January 11, 2024

Vacation 833

1141 East Delmar Street

Applicant: Faucett & Bates Properties, LLC

Mr. Sparlin stated that this is a request to vacate a portion of a public street right-of-way in the 1000 block of South Florence Avenue with conditions. The Planning and Zoning Commission does not have authority to approve vacations with conditions so it will move forward to City Council.

Mr. Billy Kimmons, 400 South Avenue speaking on behalf of the applicant.

Mr. Andy Faucett, 1047 E. Kingsbury explained that he will use 1141 E. Delmar for private parking.

Ms. Broekhoven closed the public hearing.

COMMISSION ACTION:

Planning and Zoning Commission Board Member Knuckles moved to approve Vacation 833, Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Knuckles.

Nays: None. Absent: Commissioner Gunther, Commissioner Colony. Abstain: None.



Bob Hosmer, AICP
Planning Manager

PROJECT INFORMATION

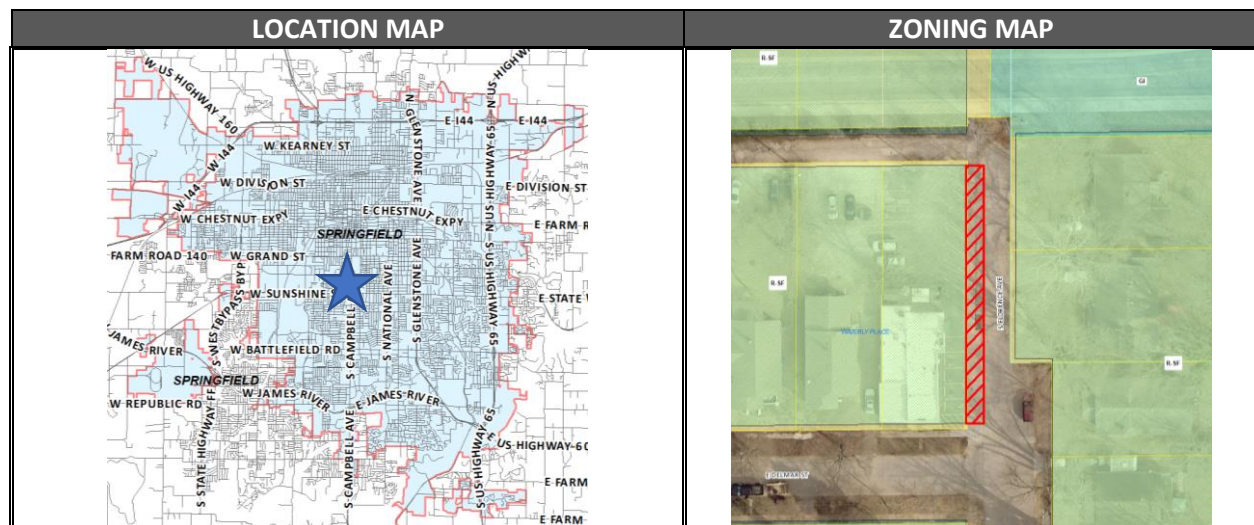
Case Number:	Vacation No. 833
Location:	1000 block of South Florence Avenue, directly east of 1141 E. Delmar Street
Total Acres:	0.03 acres
Applicant:	Faucett & Bates Properties LLC
Existing Land Use:	Street right-of-way
Neighborhood Meeting:	December 14, 2023
Planning and Zoning Commission:	January 11, 2024
City Council:	February 12, 2024
Public Notification:	Mail, posted property, and legal in <i>Springfield News-Leader</i>
Staff:	Michael Sparlin, Senior Planner – (417) 864-1901
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of Vacation case No. 833 with conditions (All commission motions are made in the affirmative).
Required Vote:	A majority of five (5) voting members shall be required.

Request to vacate a portion of a public street right-of-way in the 1000 block of South Florence Avenue with conditions.

This vacation shall not become effective until the following condition is met:

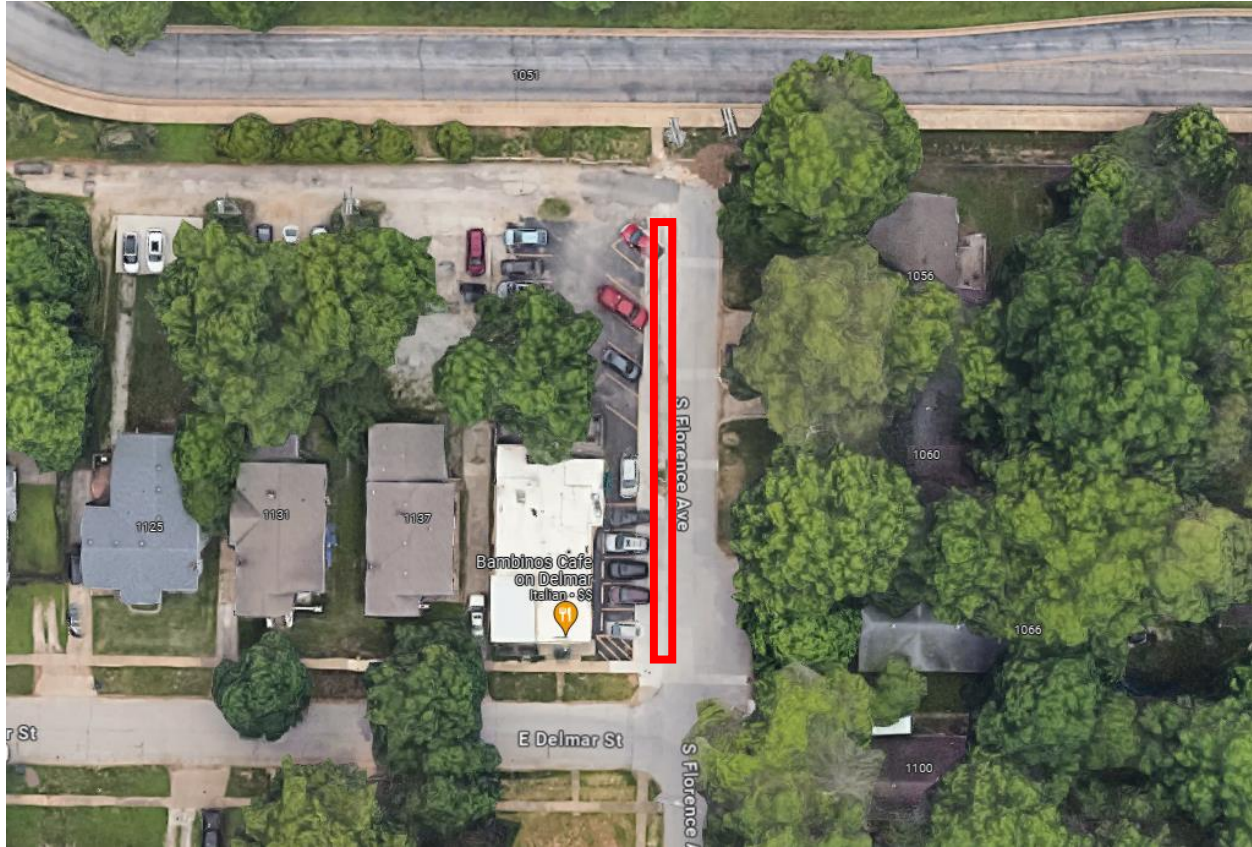
1. Approval of the Final Development Plan by the Administrative Review Committee for Planned Development No. 387, which is being processed concurrently with this application.

If this condition is not met within one (1) year of City Council approval of the vacation, the aforementioned vacation approval is null and void and the public street right-of-way shall remain.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE STREETVIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject right-of-way was platted with Waverly Place subdivision in 1907.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 98-151. - Petition for vacation; notice of proposed vacation.

Any person owning any real estate within the city which has been subdivided by a duly recorded plat may petition the city to vacate the subdivision, or any part thereof, giving a distinct description of the property to be vacated and the names of the owners thereof with proof of their ownership; and any person owning property abutting upon any alley, street, common or public square, or any part thereof, may petition the city to vacate all or any part of the alley, street, common or public square, giving a distinct description of the property to be vacated and the names of the owners of the property abutting thereon. A petition to vacate such land shall be filed with the city clerk and referred to the planning and zoning commission for consideration. Thereupon, the planning and zoning commission shall cause notices of the proposed vacation to be posted in at least three prominent places in the vicinity of the area to be vacated and the petitioner shall cause a notice of the proposed vacation to be published in the daily newspaper having the greatest number of paid subscribers in the city at least 30 days prior to the public hearing, which newspaper shall meet the requirements of RSMo 493.050. No vacation shall take place until the petitioner shall have filed with the executive secretary of the planning and zoning commission proof that notice has been given of such vacation as required in this section, except in no event shall the failure of the planning and zoning commission to post the property in any way affect the validity of the vacation, it being intended by the city council that the legal notice for such vacation shall be solely by newspaper advertisement and that other advertisements shall be for informational purposes. In addition to the methods established by this section for notice, the city manager shall endeavor to cause notices of such vacations to be circulated in the area in accordance with rules to be adopted by the city manager, which rules should be filed with the executive secretary of the planning and zoning commission; provided, however, the failure to give such notice shall in no way affect the validity of the vacation.

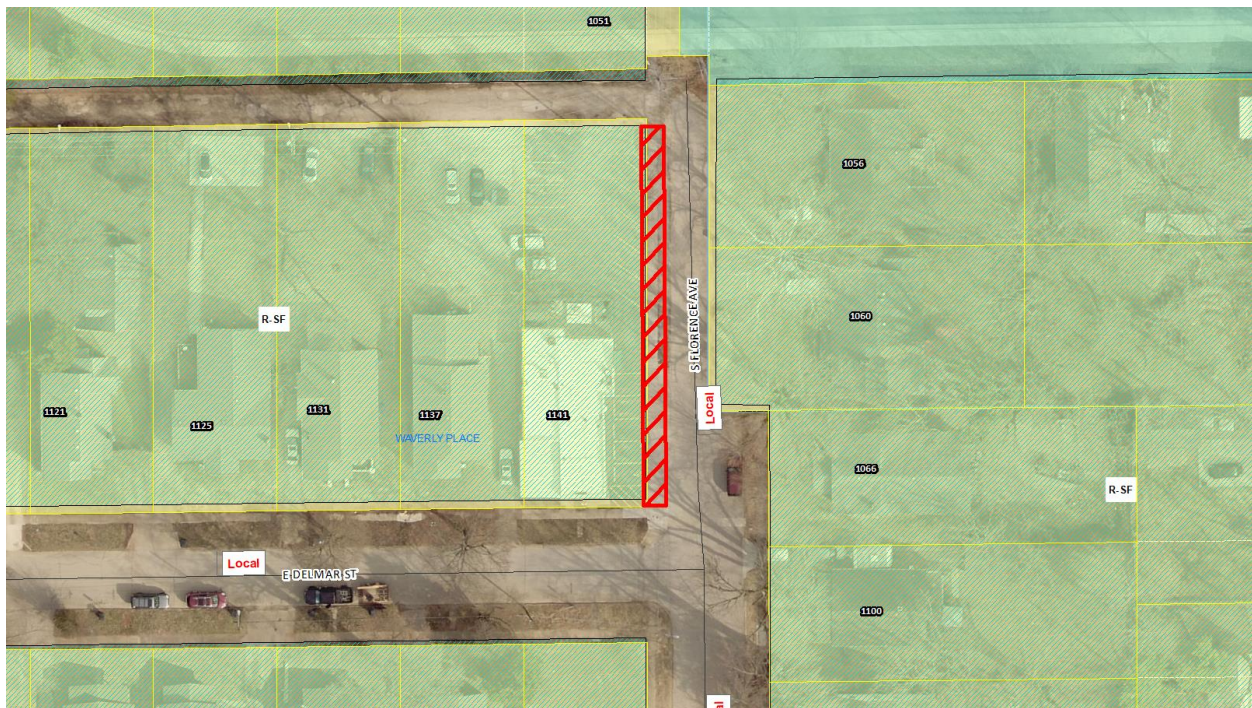
COMPATIBILITY WITH COMPREHENSIVE PLAN:

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

DEVELOPMENT REVIEW STAFF REPORT

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.

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-SF	R-SF
LAND USE	Alley ROW	Street ROW	Street ROW	Restaurant
PLACETYPES	Institutional & Employment Center	Center City neighborhood	Center City neighborhood	Center City neighborhood

DEPARTMENT COMMENTS:

DEVELOPMENT REVIEW STAFF REPORT

CITY UTILITIES:

The entire area to be vacated will need to be dedicated as a utility easement to CU.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues with the vacation; there is no public sewer within the proposed vacation area.

FIRE DEPARTMENT:

Add "No Parking on Florence Ave beginning 65 feet north of the centerline on Delmar St. and continuing north for 120 feet."

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The vacation of the alley does not affect the local stormwater infrastructure.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

The vacation does not narrow/impact the driving surface of Florence. The existing curb line remains.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to vacate a portion of public right-of-way in the 1000 South Florence Avenue.
2. This vacation request to be processed concurrently with Planned Development No. 387. This vacation intends to utilize the proposed vacation area as private parking for Bambino's restaurant. PD 387 seeks to renovate and expand the existing restaurant. One aspect of this project is to improve off-street parking for the restaurant and the street. The off-street parking is proposed to be located on the east side of the property and have access directly off Florence Street. The Traffic Division of Public Works reviewed this and determined it to be acceptable given that Florence currently has a reduced width and therefore functions as an alley in this location. This vacation will extend only to the curb on Florence Street and not narrow or impact the driving surface of the street. The sidewalk has been realigned to allow this and will be located between the restaurant building and parking stalls.
3. The applicant is requesting to have conditions placed on this request. This condition is to ensure the associated Planned Development No. 387 is approved and the vacation will then follow after approval of the Final Development Plan.
4. The requested vacation meets the approval criteria listed in Attachment 1.
5. The applicant is proposing to vacate right-of-way that is no longer needed and will help to improve the off-street parking in the area.

DEVELOPMENT REVIEW STAFF REPORT

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal meeting the approval criteria listed in Attachment 1 and that the vacation shall not become effective until the following condition is met:
 - a) Approval of the Final Development Plan by the Administrative Review Committee for Planned Development No. 387, which is being processed concurrently with this application.

If this condition is not met within one (1) year of City Council approval of the vacation, the aforementioned vacation approval is null and void and the public street right-of-way shall remain.

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1

VACATION APPROVAL CRITERIA

To approve the vacation of a public street or alley, the Planning and Zoning Commission must make the following findings.		Staff Response
1.	All property owners adjacent to the street, alley or public way have access to another street, alley, or public way.	All adjacent properties have access to public streets.
2.	The owners of two-thirds of the property adjacent to the street, alley, or public way to be vacated have given their consent to the vacation.	All adjacent property owners have consented to the vacation of the right-of-way.
3.	That the retention of the street, alley, public way, or subdivision serves no useful purpose.	It has been determined that the retention of the public right-of-way is unnecessary.
4.	That the vacation will not affect the ability to use utilities, public or private.	This vacation area contains City Utilities infrastructure, which must be placed within an easement prior to the vacation.

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 2

LEGAL DESCRIPTION

A TRACT OF LAND LYING IN BLOCK B OF WAVERLY PLACE, A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF LOT 38, BLOCK B IN THE PLAT OF WAVERLY PLACE AND ALSO BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 38, BLOCK B OF WAVERLY PLACE, SAID POINT ALSO LYING AT THE NORTHWEST CORNER OF DELMAR STREET AND FLORENCE AVENUE; THENCE ALONG THE WEST RIGHT-OF-WAY OF FLORENCE AVENUE NORTH $01^{\circ}06'13''$ EAST, 151.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 38; THENCE 17.11 FEET ALONG A 10.89 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH $43^{\circ}53'47''$ EAST FOR 15.40 FEET; THENCE SOUTH $01^{\circ}06'13''$ WEST, 140.84 FEET; THENCE NORTH $88^{\circ}59'28''$ WEST, 10.89 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. CONTAINING 1,627 SQUARE FEET AND 0.037 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

NEIGHBORHOOD MEETING SUMMARY

Attachment 4

1. Request to vacate: 1141 E. DELMAR
(subject address)
2. Meeting Date & Time: 12-14-23 4pm - 6:30 PM
3. Meeting Location: 1141 E. DELMAR
4. Number of invitations that were sent: 133
5. How was the mailing list generated: CITY STAFF
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:

NONE

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

SEE ATTACHED FOR LETTER SUMMARY OF MEETING

h

h



December 14, 2023

Re: Vacation of Right-of-way along Florence at 1141 East Delmar Street

A neighborhood meeting was held on December 14, 2023 from 4:00pm until 6:30pm at 1141 East Delmar to discuss the vacation of right-of-way application for the portion of Florence Avenue adjacent to 1141 East Delmar. Representatives of the applicant along with three neighbors attended the meeting. The neighbors arrived at the start of the meeting and stayed for most of the meeting. The meeting was pleasant, and those who attended expressed general support for the application. There were no questions raised other than ones to gain understanding of why the application was needed. I explained the purpose of the vacation, and that satisfied the people in attendance.

The rest of the meeting was spent sharing stories about growing up in the area. Everyone who attended this meeting expressed their general support for this rezoning application.

Respectfully,

Billy Kimmons, AIA
Principal Architect





EXPLANATION TO COUNCIL BILL 2024-032 (HARDINGER)

FILED: 02/15/2024

ORIGINATING DEPARTMENT: Finance

TITLE: A special ordinance amending the General Fund budget for the City of Springfield, Missouri, for Fiscal Year 2023-2024, by appropriating the remaining, accumulated carryover funds from Fiscal Year 2022-2023 and increasing expenses in the amount of \$6,485,810.

PURPOSE: Amending the General Fund budget for the City of Springfield, Missouri, for Fiscal Year 2024, by appropriating the remaining 2023 fiscal year carryover funds and increasing expenses in the amount of \$6,485,810.

BACKGROUND INFORMATION: The City has \$6,485,810 in remaining carryover funds in the General Fund. These carryover funds are the result of actual revenue that exceeded the budget estimate and/or expenses that were lower than budget during the last fiscal year (2022-2023). The City wishes to amend the budget of the following departments providing additional one-time funds for the following activities that are one-time expenses:

1. Fire: Firefighter Self-Contained Breathing Apparatus ("SCBA") Sustainment - \$1,350,000
2. Public Works: Historic City Hall Project - \$4,465,810
3. Parks: Cooper/Killian Project Improvements - \$188,000
4. Public Works: ADA Transitional Plan Assessment - \$200,000
5. City Manager: Crisis Cold Weather Shelter Funding \$100,000
6. City Manager: South Creek Greenway Trail - \$182,000

Total carryover funds - \$6,485,810

Submitted By: David Holtmann, Director of Finance

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

Attachments:

1. Fiscal Year 2023 Carryover Budget Adjustment_ Ord
2. 053 FY23 General Fund Carryover BA

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 02-06-24

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-032

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the General Fund budget for the City of Springfield, Missouri, for
2 Fiscal Year 2023-2024, by appropriating the remaining, accumulated
3 carryover funds from Fiscal Year 2022-2023 and increasing expenses
4 in the amount of \$6,485,810.
5 _____
6

7 WHEREAS, there are \$6,485,810 in carryover funds remaining from the fiscal
8 year 2022-2023 budget; and
9

10 WHEREAS, carryover funds occur when actual revenue exceeds the City's
11 budget estimates or actual expenses are lower than the City's budget estimates; and
12

13 WHEREAS, City Council desires to amend the budget to provide one-time
14 funding for certain activities from carryover funds; and
15

16 WHEREAS, the City wishes to amend the budget for Fiscal Year 2023-2024 to
17 appropriate the remaining \$6,485,810 in carryover funds from Fiscal Year 2022-2023
18 and to provide for \$6,485,810 in costs expected to be incurred, as set forth in "Exhibit
19 A," Budget Adjustment 053.
20

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

24 Section 1 – The budget of the City of Springfield, Missouri, for Fiscal Year 2023-
25 2024, is hereby amended in the accounts and amounts shown on Budget Adjustment
26 No. 053, which is attached hereto as "Exhibit A" and incorporated herein by reference.
27

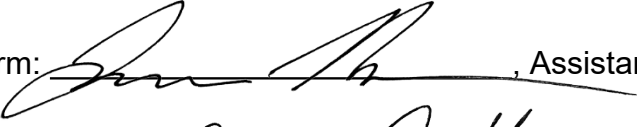
28 Section 2 – This Ordinance shall be in full force and effect from and after
29 passage.
30

31 Passed at meeting: _____
32
33 _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
053

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
44040	16	80020	417010	000000	00000	\$ 188,000	Transfer from General Fund to Parks - Cooper / Killian
Net Revenue Adjustment						\$ 188,000	

Expenditures:

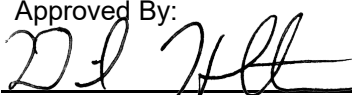
Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	10	15090	508170	000000	00000	\$ 1,350,000	Fire-Life Safety Self-Contained Breathing Apparatus
10110	20	73020	509110	100912	00000	4,465,810	PW-Historic City Hall Project
10110	09	14120	509910	000000	00000	188,000	Transfer from General Fund Parks- Project Fund Cooper/Killian
10110	20	73020	509110	102726	00000	200,000	PW-ADA Transition Plan Assessment
10110	06	13010	502120	000000	00000	100,000	CM-Crisis Cold Weather Shelter Funding
10110	06	13010	502120	000000	00000	182,000	CM-Ozark Greenway South Creek Greenway Trail
44040	16	80020	509110	103230	00000	188,000	Parks-Cooper/Killian Project Improvements
Net Expenditure Adjustment						\$ 6,673,810	

Fund Balance Appropriation:

Fund	Title	Amount
10110	General Fund	(6,485,810)

Explanation: To amend the FY2023-24 General Fund budget by appropriating FY23 carryover for one-time needs.

Requested By: 
Department Head Date 2-06-2024

Approved By: 
Director of Finance Date 2-06-2024

City Manager Date

Authorization:

Council Bill No. 2024-032
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2024-033 (LEE)

FILED: 02/15/2024

ORIGINATING DEPARTMENT: Finance

TITLE: A special ordinance authorizing a budget adjustment amending the budget of the Police Department for Fiscal Year 2023-2024 in the amount of \$1,802,250 to appropriate reserves from the Law Enforcement Sales Tax Fund for replacement of the roof of the Police annex, replacement of windows at the Police headquarters, and providing additional funding for the Police firing range.

PURPOSE: To amend the Law Enforcement Sales Tax Fund budget for the City of Springfield, Missouri, for Fiscal Year 2024, by appropriating funds from said Fund to the Police Department and increasing expenses in the amount of \$1,802,250.

BACKGROUND INFORMATION: The Law Enforcement Sales Tax ("LEST") Fund balance has increased over the past few years due to increased growth in sales tax and the reduction of the debt service payments for the LEST bonds. As a result, the LEST fund balance has increased to over \$7.6 million as of June 30, 2023. The City wishes to amend the budget of the Police Department to provide additional one-time funds for the following projects that are one-time expenses:

1. Police annex roof replacement - \$400,000
2. Police HQ window replacement - \$800,000
3. Police firing range funding (additional) - \$602,250

Total funding \$1,802,250

The Police annex roof replacement and HQ window replacement are being added to coordinate the current roof replacement/renovation of the current HQ building. The additional funding for the firing range is being added to fully fund the firing range project.

Submitted By: David Holtmann, Director of Finance

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

- Attachments:**
1. Law Enf. Sales Tax and PD 2023-24 budget adjustment _ Ord
 2. Law Enforcement Sales Tax BA

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 02-06-24

Sponsored by: Lee

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-033

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING a budget adjustment amending the budget of the Police Department
2 for Fiscal Year 2023-2024 in the amount of \$1,802,250 to appropriate
3 reserves from the Law Enforcement Sales Tax Fund for replacement
4 of the roof of the Police annex, replacement of windows at the Police
5 headquarters, and providing additional funding for the Police firing
6 range.
7 _____
8

9 WHEREAS, the Law Enforcement Sales Tax Fund balance has increased due to
10 increased growth in sales tax revenue and the reduction of debt service payments for
11 the Law Enforcement Sales Tax bonds; and
12

13 WHEREAS, the roof of the Police annex building is in need of replacement, the
14 windows of the Police headquarters are in need of replacement, and additional Police
15 firing range funding is required; and
16

17 WHEREAS, an amendment to the budget of the Police Department for Fiscal Year
18 2023-2024 has been approved and recommended by the City Manager and the Chief of
19 Police.
20

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

24 Section 1 – The City Manager, or designee, is hereby authorized on behalf of the
25 City of Springfield, Missouri, to appropriate Law Enforcement Sales Tax fund balance
26 reserves in the amount of \$1,802,250 for the purposes of replacement of the roof on the
27 Police annex building, replacement of the windows on the Police headquarters building,
28 and providing additional funding for the Police firing range.
29

30 Section 2 – The budget of the Police Department for Fiscal Year 2023-2024 is
31 hereby amended in the accounts and in the amounts as shown on Budget Adjustment
32 No. 051, which is attached hereto as “Exhibit A” and incorporated herein by reference.
33

34 Section 3 – City Council hereby finds that the budget adjustment made in Section 2
35 above has been recommended by the City Manager and further finds the adjustment
36 necessary to allow the proper funding of the Police Department.
37

38 Section 4 – The City Manager is directed to cause the appropriate accounting
39 entries to be made in the books and records of the City.
40

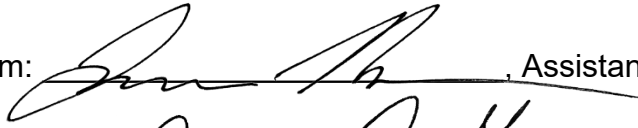
41 Section 5 – This Ordinance shall be in full force and effect from and after passage.
42

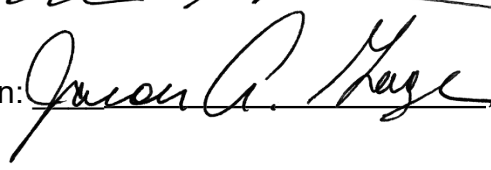
43 Passed at meeting: _____
44

45 _____
46 Mayor
47

48 Attest: _____, City Clerk
49

50 Filed as Ordinance: _____
51

52
53 Approved as to form:  _____, Assistant City Attorney
54

55
56 Approved for Council action:  _____, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
051

Revenues:

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

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
25010	18	97510	509110	101221		\$ 400,000	Police annex roof replacement
25010	18	97510	509110	000000		800,000	Police HQ window replacement
25010	18	97510	509110	103225		602,250	Additional funding for police range
Net Expenditure Adjustment						\$ 1,802,250	

Fund Balance Appropriation:

Fund	Title	Amount
25010	Law Enforcement Sales Tax	\$ (1,802,250)

Explanation: To amend the FY2023-24 budget by appropriating Law Enforcement Sales Tax fund balance for Police Annex Roof replacement, Police HQ Window Replacement, and Firing Range additional funding.

Requested By:

Paul F. Williams 2-06-2024
Department Head Date

Approved By:

DJ Hill 2-06-2024
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2024-033
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2024-034 (CARROLL)

FILED: 02/15/2024

ORIGINATING DEPARTMENT: Environmental Services

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

PURPOSE: To authorize the City Manager, or designee, on behalf of the City, to enter into an amended Contract of Obligation ("Exhibit A"), with the Missouri Department of Natural Resources ("MoDNR"), whereby the City agrees to financially secure the future closure and post-closure care of all currently active and previously completed portions of the City's Sanitary Landfill.

BACKGROUND INFORMATION: In accordance with applicable state and federal solid waste regulations, the City is required to submit and maintain a Financial Assurance Instrument ("FAI") acceptable to the MoDNR, to secure the future closure and post-closure care of all currently active and previously closed solid waste disposal areas within the City's permitted Sanitary Landfill. The FAI must also be amended periodically to account for the effects of inflation and any changes to operational costs previously calculated and approved engineering cost estimates. State regulations also permit a city or county to submit and amend a Contract of Obligation to satisfy this requirement.

On December 12, 2022, City Council adopted Special Ordinance 27784 authorizing the City Manager to enter into an amended Contract of Obligation in the amount of \$17,282,816 to secure the future closure and post-closure care of all currently approved disposal areas of the Sanitary Landfill. The City's Contract of Obligation is secured by a pledge of future city sales tax reserves, if necessary, for this purpose.

For the current year, the Solid Waste Management Division ("SWMD") proposes to amend the Existing FAI Contract of Obligation by adding \$752,527 to account for the effects of inflation to the end of the second quarter 2023 and increases in leachate disposal costs.

REMARKS: As presented in the attached letter report, "Exhibit B" from SCS ENGINEERS dated August 30, 2022, the net effect of this proposed amendment will be to increase the City's current liability for landfill closure and post-closure care by \$752,527 to \$18,035,343. These cost estimates have been reviewed and accepted by the staff of the Solid Waste Management Division and the Finance Department.

Submitted By: Erick Roberts, Assistant Director of Environmental Services



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

- Attachments:**
1. Landfill FAI 2023_ord
 2. Landfill FAI 2023 Contract of Obligation_ExhA

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 02-06-24

Sponsored by: Carroll

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-034

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to enter into a Contract of
2 Obligation with the Missouri Department of Natural Resources
3 whereby the City agrees to financially secure the future closure and
4 post-closure care of all currently active and previously completed
5 portions of the City's Noble Hill Sanitary Landfill.
6
7 _____

8 WHEREAS, the City of Springfield has both closed and active sanitary landfills that
9 are subject to environmental closure and post-closure requirements by Missouri state
10 statutes; and
11

12 WHEREAS, pursuant to Missouri state statutes the City must provide a financial
13 assurance instrument ("FIA"), or Contract of Obligation, to Missouri Department of
14 Natural Resources ("MoDNR") that affirms and accepts the financial obligations of
15 closure and post-closure; and
16

17 WHEREAS, each year, the Contract of Obligation is revised to reflect the
18 changing cost of the environmental closure and post-closure obligations.
19

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

23 Section 1 – The City Manager, or designee, is hereby authorized to enter into a
24 Contract of Obligation with the Missouri Department of Natural Resources ("MoDNR"),
25 said agreement to be substantially in form and content as "Exhibit A," which is attached
26 hereto and incorporated herein by this reference.
27

28 Section 2 – This Ordinance shall be in full force and effect from and after
29 passage.
30

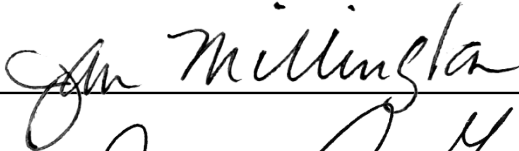
31 Passed at meeting: _____
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

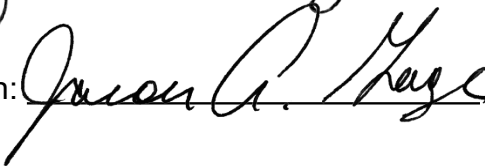
Approved for Council action: , City Manager

Exhibit A

CONTRACT OF OBLIGATION

THIS AGREEMENT is made and entered into by and between the City of Springfield, Missouri, hereinafter referred to as City, and the Missouri Department of Natural Resources, hereinafter referred to as MoDNR.

WHEREAS, the City has submitted a permit application for the construction, operation and maintenance of a solid waste disposal area to MoDNR pursuant to the requirements of sections 260.200 to 260.345, RSMo, the Missouri Solid Waste Management Law (Law) and the rules promulgated thereunder; and

WHEREAS, pursuant to the Missouri Solid Waste Management Rules, 10 CSR 80-2.030(4)(D) 7., a municipality or county may execute a "Contract of Obligation" (CO) to satisfy the requirements for a Financial Assurance Instrument (FAI) in applying for a permit to operate a solid waste disposal area.

NOW THEREFORE, in consideration of the issuance of Permit No. 107704 by MoDNR to the City for the operation of a solid waste disposal area and in consideration of the mutual covenants contained herein, MoDNR and the City hereby agree as follows:

1. The City is hereby bound unto MoDNR in the sum of \$18,035,343 and hereby authorizes the Director of MoDNR, or designee, to collect said sum from any funds being disbursed or to be disbursed by the state of Missouri to the City, upon failure of the City to close and/or provide post-closure care for the solid waste disposal area in accordance with the requirements of the Law, the regulations duly promulgated thereunder and the approved closure and or post-closure plans.
2. Should MoDNR find that the City has failed to properly close and/or provide post closure care for the solid waste disposal area, MoDNR shall notify the City of such finding and pursuant to 260.235, RSMo, shall afford the opportunity for administrative and judicial review of such findings.
3. The City hereby authorizes the Director of the Department of Revenue and the State Treasurer to withhold from any funds being disbursed or to be disbursed by the state of Missouri to the City, the sum of \$18,035,343 upon receiving notice from the Director of MoDNR of the City's failure to properly close and/or provide post closure care for the solid waste disposal area.
4. This contract shall terminate upon written notice from MoDNR that the City is released from the requirements for a Financial Assurance Instrument for closure and/or post-closure care, as required by the Law and the rules promulgated thereunder.
5. If the City desires to terminate this contract prior to completing proper closure and/or post-closure for the solid waste disposal area it must:

- (a) Send a notice of termination in writing, addressed and delivered to the MoDNR, 120 days before the termination will occur; and
- (b) Post with the MoDNR an acceptable alternative Financial Assurance Instrument, as provided for by the Law or by any rules adopted pursuant to the Law within 90 days after the notice of termination is received by the department; and
- (c) Receive a written acknowledgment from MoDNR of receipt by MoDNR of an acceptable alternative Financial Assurance Instrument. If the City does not provide an acceptable alternative Financial Assurance Instrument within the time limit specified above, this contract shall remain in effect until terminated as specified in 4 of this contract.

6. The City has by ordinance, attached hereto as Attachment A, and which by this reference is incorporated herein, and expressly made a part of this agreement authorized the signatory hereof to execute this contract of obligation and bind the City to the terms thereof.

7. The effective date of this contract is the date this contract is signed by the Director of the Missouri Department of Natural Resources.

IN WITNESS WHEREOF the parties hereto have set their hands and seals.

CITY OF SPRINGFIELD, MISSOURI

MISSOURI DEPARTMENT OF
NATURAL RESOURCES

BY: _____
City Manager or his/her designee

BY: _____
Director

DATE: _____

DATE: _____

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 Assistant City Attorney



EXPLANATION TO COUNCIL BILL 2024-035 (HOSMER)

FILED: 02/15/2024

ORIGINATING DEPARTMENT: Environmental Services

TITLE: A general ordinance authorizing the City Manager, or designee, to execute utility easement(s) to Southwest Electric Cooperative as needed for expansion and relocation of transmission and distribution systems required for operation of the City's landfill; and to enter into a service agreement with Southwest Electric Cooperative for electric service.

PURPOSE: Authorizing the City Manager, or designee, to enter into a service agreement and to execute utility easements and associated documents necessary for relocation of Southwest Electric Cooperative transmission and distribution systems required for operation of the City's landfill.

BACKGROUND INFORMATION: Southwest Electric Cooperative has been the electric utility provider to the City of Springfield Landfill since it began operation at its current location in 1975. As the City landfill facilities and operational needs have changed over time, it has been periodically necessary to expand and/or relocate utilities at the facility to support City operations and maintain environmental compliance at the landfill. With the Missouri Department of Natural Resources approval of the landfill expansion, it is necessary to relocate utility lines at the landfill as facilities are updated and operations are required to be moved. When landfill utilities are required to be moved, Southwest Electric Cooperative requires updated easements and associated documents to be executed to allow access for construction, maintenance, and repair of the transmission line.

REMARKS: The Department of Environmental Services respectfully requests authority for the City Manager, or designee, to execute easement(s) and/or service agreement(s) with Southwest Electric Cooperative, as needed, to allow for continuing and future City expansions and operations at the Springfield Sanitary Landfill. The Department of Environmental Services recommends approval of this Council bill and budget adjustment.

Submitted By: Erick Roberts, Assistant Director of Environmental Services

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

Attachments:

1. Landfill Utility Easements 2024_Ord
2. Landfill Service Agreement_Exh1

One-rdg. _____
P. Hrngs. _____
Pgs. 7
Filed: 02-06-24

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-035

GENERAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to execute utility easement(s) to
2 Southwest Electric Cooperative as needed for expansion and
3 relocation of transmission and distribution systems required for
4 operation of the City's landfill; and to enter into a service agreement
5 with Southwest Electric Cooperative for electric service.
6 _____
7

8 WHEREAS, the City of Springfield, Missouri, by and through the Department of
9 Environmental Services (the "Department") desires to support the expansion of utilities
10 to the landfill and to support the needs of the landfill for use by citizens of Springfield
11 and the region; and
12

13 WHEREAS, the City periodically needs to relocate, upgrade, improve, or
14 otherwise alter utility transmission lines at the landfill to properly operate the facility and
15 maintain compliance with applicable regulations; and
16

17 WHEREAS, Southwest Electric Cooperative has been the electric utility provider
18 for the City Landfill since it began operation at its current location in 1975; and
19

20 WHEREAS, when landfill operations are expanded, updated, or required to be
21 moved, Southwest Electric Cooperative requires updated easements and associated
22 documents to be executed to allow for access, construction, maintenance, and/or repair
23 of the transmission lines on City's real property at the landfill.
24

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

28 Section 1 – City Council hereby authorizes the City Manager, or designee, to
29 execute and deliver such documents as may be required to convey necessary utility
30 easement(s) to Southwest Electric Cooperative for the continued transmission and
31 distribution of utilities required for operation of the City's landfill, provided the final form
32 of the easement(s) and any necessary documents required to obtain the utilities are in a
33 form consistent with this Ordinance and approved by the City Attorney.

34 Section 2 – City Council hereby authorizes the City Manager, or designee, to
35 enter into a service agreement with Southwest Electric Cooperative for the continued
36 transmission and distribution of utilities required for operation of the City’s landfill, said
37 agreement to be substantially similar to that attached hereto as “Exhibit 1,” provided any
38 changes to the document shall be approved by the City Attorney.
39

40 Section 3 – This Ordinance shall be in effect immediately upon passage.
41
42
43

44 Passed at meeting: _____
45
46

47 _____
48 Mayor

49 Attest: _____, City Clerk
50

51 Filed as Resolution: _____
52
53

54 Approved as to form: John Millington, Deputy City Attorney
55

56 Approved for Council action: Jason A. Hays, City Manager
57

***3-PHASE SERVICE FOR**

Exhibit 1

NAME: City of Springfield

C/O Landfill

ADDRESS: PO Box 8368

Work Orders: # 21216 and 21274

Location Number: 73-28-46

AGREEMENT FOR 3-PHASE ELECTRIC SERVICE

AGREEMENT made, **10-25-2023**, between **Southwest Electric Cooperative** (Hereinafter called the "Seller") and **City of Springfield** (Here in after called the "Consumer"), an **City of Springfield**. (Corporation, Partnership, Public Entity, or Individual)

The Seller shall sell and deliver to the Consumer, and the Consumer shall purchase all of the electric power and energy which the Consumer may need at the location described in the Schedule LP, attached hereto and by this reference made part hereof, up to **1000** KVA, upon the following terms:

1. SERVICE CHARACTERISTICS:

- a. Service hereunder shall be alternating current, **3** phase, **4** wire, sixty cycles, **277/480** volts.
- b. The Consumer shall not use the electric power and energy furnished hereunder as an auxiliary or supplement to any other source of power and shall not sell electric power and energy purchased hereunder.
- c. Service shall not be allowed to have over a **400 KVA** change in load to mitigate potential voltage fluctuations. Large Motors (100HP and greater) will not be started until any previously started motors are up to speed and 5 minutes has elapsed to allow voltage regulators to compensate for the additional load.
- d. If at any time the service is found to be causing objectionable voltage fluctuations on the cooperative system the members service will be adjusted to comply with the cooperative's revised engineering specifications.

2. PAYMENT:

- a. The Consumer shall pay the Seller for service hereunder at the rates and upon the terms and conditions set forth in Schedule LP attached to and made a part of this Agreement . . . Notwithstanding any provision of the Schedule and irrespective of Consumer's requirements for or use of electric power and energy, the demand for billing purposes

hereunder shall be not less than ---- kilowatts for any billing period. In the event the Consumer shall pay to the Seller not less than \$ 750.00 per month for service or for having service available hereunder during the terms hereof. Plus any applicable taxes on usage.

b. **IMPORTANT INFORMATION:**

PAYING YOUR BILL: Pay early so you are assured your payment is in the office by the due date. (We cannot be responsible for delays in postal service.) Accounts will be billed on the 20th of each month and due by the 10th of the following month. If payment is not received by the 10th of the month the account is considered delinquent. The account becomes subject for disconnect after the 20th. If you have not received a bill by the 1st of the month contact one of our offices listed below. Any payments received after the due date will be assessed a late fee equal to 10% of the current bill.

PAST DUE BILLS: The due date on your bill only applies to the current charges. Previous balances may be subject to disconnection procedures.

- c. The Consumer agrees that at any time, the Seller may make a modification in the rate for service hereunder, and the action of the Seller's Board of Directors shall be final.

3. MEMBERSHIP:

membership The Consumer shall become a member of the Seller, shall pay fee and be bound by such rules and regulations as may from time to time be adopted by the Seller.

4. CONTINUITY OF SERVICE:

The Seller shall use reasonable diligence to provide a constant and uninterrupted supply of electric power and energy hereunder. If the supply of electric power and energy shall fail or be interrupted, or become defective through act of God, Governmental authority, action of the elements, public enemy, accident, strikes, labor trouble, required maintenance work, inability to secure right-of-way, or any other cause beyond the reasonable control of Seller, the Seller shall not be liable therefore for damages caused thereby. **Including the loss of any one phase for any reason, that may, due to the type or design of the transformer (or transformer bank) or characteristic of the load, cause high or low voltages on the remaining phases. Such events are the responsibility of the consumer to protect against on their side of the**

service.

5. RIGHT OF ACCESS:

Duly authorized representatives of the Seller shall be permitted to enter the Consumer's premises at all reasonable times in order to carry out the provisions hereof.

6. TERM:

This Agreement shall become effective on the date first above written and shall remain in effect until 5 (five) years following the start of the initial billing period and thereafter until terminated by either party giving to the other 1 (one) months' notice in writing.

7. SUCCESSION AND APPROVAL:

- a. This Agreement shall be binding upon and inure to the benefit of the successors, legal representatives and assigns of the respective parties hereto.

8. AID TO CONSTRUCTION:

The Consumer shall pay the Seller the sum of \$ **123,860** on account of the cost of facilities required to make service available to the Consumer on or before commencement of the construction of such facilities. No refunds shall be made to the Consumer in any portion of the payment, unless the cost to construct comes in below the estimate.
(Except Deposit)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement all as of the day and year first above written.

SOUTHWEST ELECTRIC COOPERATIVE
SELLER

ATTEST:

S.W.E.C. SECRETARY

BY _____
S.W.E.C. PRESIDENT

SIGNATURE



EXPLANATION TO COUNCIL BILL 2024-036 (SIMPSON, CARROLL, MCGULL, H

FILED: 02/15/2024

ORIGINATING DEPARTMENT: City Manager

TITLE: A special ordinance amending Special Ordinance 27834 to revise funding appropriated for continuing COVID-19 services; amending the budget for Fiscal Year 2023-2024 to appropriate funds from the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, for the Council of Churches of the Ozarks, Inc., congregate shelter proposal in the amount of \$1,100,000 as recommended by the City Council American Rescue Plan Act of 2021 Review Committee; authorizing the City Manager, or designee, to enter into a funding agreement with the Council of Churches of the Ozarks, Inc; and authorizing the City Manager, or designee, to enter into an amended agreement with Forvis, LLP, for the purpose of providing grant compliance services and subrecipient monitoring services.

PURPOSE: Amending Special Ordinance 27834 to revise funding appropriated for continuing COVID-19 services; amending the budget for Fiscal Year 2023-2024 to appropriate funds from the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021 ("ARPA"), for the Council of Churches of the Ozarks, Inc., congregate shelter proposal in the amount of \$1,100,000 as recommended by the City Council ARPA Review Committee; authorizing the City Manager to enter into a funding agreement with the Council of Churches of the Ozarks, Inc; and authorizing the City Manager to enter into an amended agreement with Forvis, LLP, for the purpose of providing grant compliance services and subrecipient monitoring services.

BACKGROUND INFORMATION: The American Rescue Plan Act ("ARPA") of 2021 was passed by Congress on March 10, 2021, and signed into law on March 11, 2021. The Act provides \$1.9 trillion in aid for families, governments, businesses, schools, non-profits, and others impacted by COVID-19. The Act includes, among other things \$656 billion for direct financial assistance to individuals, businesses and non-profits; \$56 billion in assistance to individuals and families; \$211 billion for education and childcare programs; \$86 billion for health programs; \$40 billion for transportation, including airports and rail; \$61 billion for a variety of other programs and \$350 billion for state and local governments in a Fiscal Recovery Fund.

Of the \$350 billion in the state and local ARPA Fiscal Recovery Fund administered by the U.S. Department of the Treasury, the City of Springfield directly received an allocation of \$40,276,290. The City award of \$40,276,290 in ARPA Funds was accepted by City Council through Special Ordinance 27538 passed on July 26, 2021.

City Council, through Special Ordinance 27550 adopted on August 23, 2021, set aside



\$8,000,000 to provide critical services, staffing, supplies, and support for operations of the COVID-19 response of the City as may be necessary.

City Council, through Special Ordinance 27730 and Special Ordinance 27731 adopted on July 25, 2022, approved funding for a variety of projects and amended the amount of ARPA funds set aside and appropriated to support any need for continuing COVID-19 critical services from \$8,000,000 to \$3,026,290.

Special Ordinance 27775 was adopted by City Council on November 14, 2022, and amended the budget for Fiscal Year 2022-2023 from \$3,026,290 to \$2,776,290 for support for continuing COVID-19 critical services, if necessary, and approved funding for two additional projects with these funds.

Special Ordinance 27834 was adopted by City Council on May 22, 2023, and amended the amount of ARPA funds appropriated to support any continuing COVID-19 services from \$2,776,290 to \$2,456,290. The funds appropriated with special ordinance 27834 was for the authorization of FORVIS, LLP to provide grant compliance services and subrecipient monitoring for external entities receiving ARPA funds.

The ARPA Review Committee met on January 11, 2024, and voted to recommend funding the Council of Churches of the Ozarks congregational shelter proposal in the amount of \$1,100,000 and with the approval of this Ordinance to amend the funds to be set aside for any potential COVID-19 response to \$1,356,290. This funding allocation will remain for COVID-19 pandemic utilization unless/until these funds are reallocated by City Council for other ARPA projects, as funds become available.

The Council of Churches of the Ozarks ("CCO") is proposing to purchase and renovate a property for the permanent location of the Safe to Sleep (STS) Women's Emergency Shelter. The STS program provides overnight shelter for 400+ unduplicated women over the age of 18 each year. STS is the area's only low-barrier shelter designed to meet the need of women experiencing emergency homelessness. In addition to providing somewhere "Safe to Sleep," STS offers case management services to the women it serves.

Currently, STS provides shelter through a partnership with the Pathway United Methodist Church. This location only allows for programming for STS outside of regular church hours and guests may arrive only after 7:30 pm and must leave just after 7:30 am. The temporary shared location also presents challenges for daily set-up and meal services. This temporary location is also permitted due to the City's "economic calamity" exception that has been renewed multiple times by City Council over the last ten years. These obstacles will be remedied when STS has its own facility. With a permanent facility, STS will be able to seamlessly integrate STS guests with other CCO support services as well as increase access to capacity building services during the day. The \$1,100,000 allocation from the City will be combined with a \$1.9 million grant from the Missouri Department of Economic Development ARPA funds along with other donations to complete the project.



With the approval of this Ordinance, the City Manager is authorized to work with the Council of Churches of the Ozarks for their approved project and to develop and approve a funding agreement that will detail the parameters for project reimbursements, auditing reviews, completion timetables, as well as other requirements as needed to ensure successful project completion.

The City Council ARPA Review Committee recommends approval.

Submitted By: Collin Quigley, Deputy City Manager

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

Attachments:

1. ARPA Funding_Ord (1)
2. ARPA Council of Churches Funding Allocation_BA

One-rdg. _____
P. Hrngs. _____
Pgs. 7
Filed: 02-06-24

Sponsored by: Simpson, Carroll, McGull, Hardinger

First Reading: _____ Second Reading: _____

COUNCIL BILL 2024-036 SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Special Ordinance 27834 to revise funding appropriated for continuing
2 COVID-19 services; amending the budget for Fiscal Year 2023-2024 to
3 appropriate funds from the City's Coronavirus State and Local Fiscal
4 Recovery Funds, established by the American Rescue Plan Act of
5 2021, for the Council of Churches of the Ozarks, Inc., congregate
6 shelter proposal in the amount of \$1,100,000 as recommended by the
7 City Council American Rescue Plan Act of 2021 Review Committee;
8 authorizing the City Manager, or designee, to enter into a funding
9 agreement with the Council of Churches of the Ozarks, Inc; and
10 authorizing the City Manager, or designee, to enter into an amended
11 agreement with Forvis, LLP, for the purpose of providing grant
12 compliance services and subrecipient monitoring services.
13
14
15

16 WHEREAS, the American Rescue Plan Act of 2021 ("ARPA"), signed into law on
17 March 11, 2021, established Coronavirus State and Local Fiscal Recovery Funds to
18 provide emergency funding for eligible state, local, territorial, and Tribal governments;
19 and
20

21 WHEREAS, the City was awarded \$40,276,290 in Coronavirus State and Local
22 Fiscal Recovery Funds, and City Council accepted these ARPA funds through Special
23 Ordinance 27538 passed on July 26, 2021; and
24

25 WHEREAS, City Council, through Special Ordinance 27550 adopted on August
26 23, 2021, set aside \$8,000,000 to provide critical services, staffing, supplies, and
27 support for operations of the COVID-19 response of the City; and
28

29 WHEREAS, City Council, through Special Ordinance 27730 adopted on July 25,
30 2022, amended the amount of ARPA funds appropriated to support continuing COVID-
31 19 critical services from \$8,000,000 to \$3,026,290; and
32

33 WHEREAS, City Council, through Special Ordinance 27775 adopted on
34 November 14, 2022, amended the amount of ARPA funds appropriated to support
35 continuing COVID-19 critical services from \$3,026,290 to \$2,776,290; and
36

37 WHEREAS, City Council through Special Ordinance 27834 adopted on May 22,
38 2023, amended the amount of ARPA funds appropriated to support continuing COVID-
39 19 critical services from \$2,776,290 to \$2,456,290 for the purpose of grant compliance
40 and external monitoring of ARPA projects; and
41

42 WHEREAS, of the \$4,973,710 appropriated by Special Ordinance 27730,
43 \$83,402 was determined to be an unallowable expense and not expended, increasing
44 the amount of unencumbered ARPA funds from \$2,456,290 to \$2,539,642; and
45

46 WHEREAS, the City Council ARPA Review Committee met on January 11, 2024,
47 and voted to recommend funding the Council of Churches of the Ozarks congregate
48 shelter proposal in the amount of \$1,100,000 from the funds appropriated to support
49 continuing COVID-19 critical services.
50

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

54 Section 1 – Special Ordinance 27834, Section 1, is hereby amended to change
55 the amount of ARPA funds appropriated to support continuing COVID-19 critical
56 services from \$2,539,692 to \$1,439,692.
57

58 Section 2 – The budget for Fiscal Year 2023-2024 is hereby amended in the
59 accounts and in the amounts as shown on Budget Adjustment No. 052, a copy of which
60 is attached hereto and incorporated herein by reference as “Exhibit A,” to appropriate
61 \$1,100,000.00 in funds from the City’s Coronavirus State and Local Fiscal Recovery
62 Funds, established by the American Rescue Plan Act of 2021, for the congregate
63 shelter proposed by the Council of Churches of the Ozarks, Inc., and recommended by
64 the City Council ARPA Review Committee.
65

66 Section 3 – City Council finds the budget adjustment has been recommended by
67 the City Manager.
68

69 Section 4 – The City Manager is directed to cause the appropriate accounting
70 entries to be made in the books and records of the City.
71

72 Section 5 – City Council hereby authorizes the City Manager, or his designee, to
73 develop and enter into a funding agreement with the Council of Churches of the Ozarks,
74 Inc., for the congregate shelter project, provided that any agreements or documents
75 executed pursuant to this authority are in a form approved by the City Attorney.
76

77 Section 6 – Special Ordinance 27730, Section 5, is hereby amended to authorize
78 the City Manager, or his designee, to enter into an agreement with FORVIS, LLP, for
79 the purpose of providing grant compliance services and subrecipient monitoring
80 services for the Council of Churches of the Ozarks, Inc.'s receipt of ARPA funds from or
81 through the City to perform the congregate shelter project, provided that any
82 agreements or documents executed pursuant to this authority are in a form approved by
83 the City attorney.

84
85 Section 7 – This Ordinance shall be in full force and effect from and after
86 passage.

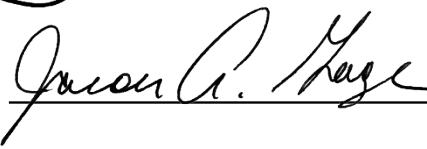
87
88 Passed at meeting: _____

89
90
91 _____
92 Mayor

93 Attest: _____, City Clerk

94
95 Filed as Ordinance: _____

96
97  _____, City Attorney

98
99
100 Approved for Council action:  _____, City Manager
101

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
052

Revenues:

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

Expenditures:

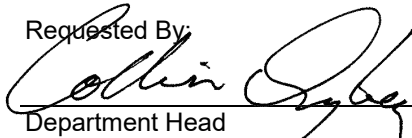
Fund	Dept	Org	Account	P&G	Location	Amount	Description
22520	17	18050	504580	000000	00000	\$ 1,100,000	Council of Churches of the Ozarks - Congregate shelter
22520	11	18030	504580	000000	00000	(1,100,000)	Reallocate COVID-19 response funding for Health
Net Expenditure Adjustment						\$ -	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2023-24 budget by reappropriating American Rescue Plan Act funds allocation from the Springfield-Greene County Health Department to Council of Churches of the Ozarks for congregate shelter proposal.

Requested By:


Department Head 2-06-2024
Date

Approved By:


Director of Finance 2-06-2024
Date

City Manager Date

Authorization:

Council Bill No. 2024-036
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2024-039 (SIMPSON)

FILED: 02/08/2024

ORIGINATING DEPARTMENT: Economic Vitality

TITLE: A special ordinance approving a Petition to Establish the Sunshine Towne Centre Community Improvement District; authorizing the City Manager, or designee, to execute a Cooperative Agreement between the City of Springfield, the Sunshine Towne Centre Community Improvement District, and Springfield West Partners, LLC; and directing the City Clerk to notify the Missouri Department of Economic Development and the Missouri State Auditor of the creation of the District.

PURPOSE: To adopt a special ordinance approving the Petition to Establish the Sunshine Towne Centre Community Improvement District and authorizing the City Manager, on behalf of the City, to execute a Cooperative Agreement between the City of Springfield, the Sunshine Towne Centre Community Improvement District, and Springfield West Partners, LLC. (Staff recommends approval.)

BACKGROUND INFORMATION: On June 26, 2023, the City Council passed Special Ordinance 27868, authorizing the City Manager, on behalf of the City of Springfield to enter into an Infrastructure Reimbursement Agreement ("IRA") with Springfield West Partners, LLC ("Developer") to finance certain required public improvements associated with the construction of a 22.72-acre retail development generally located along the south side of West Sunshine Street between South West Bypass and South Moore Road. The development will be anchored by a 150,000 ft² (approx.) general retail facility ("Target") located on a 13-acre lot at the intersection of South West Bypass and West Sunshine Street. The remainder of the development will consist of four smaller lots for retail/commercial use. According to the IRA, the City has agreed to reimburse the Developer up to \$4,020,560 for the costs of the improvements to West Sunshine Street, South West Bypass, and South Moore Road using one-half of the City's 1-cent (1%) general revenue, ¼-cent (0.25%) capital improvements, and 1/8-cent (0.125%) transportation sales taxes that will be generated by the proposed retail development. The IRA also included a commitment to establish a community improvement district ("CID") over the proposed retail development, excluding Target, to fund the balance of the public improvements consisting of the required internal streets, which are estimated to cost \$2.22 million.

As per the IRA, the Developer has filed the Petition to Establish the Sunshine Towne Centre CID ("Exhibit 1"). The CID will encompass approximately 11.1 acres consisting of the proposed development, exclusive of the Target site. The CID will be a political subdivision of the State of Missouri and have a life of 20 years. It will be governed by a five-member board of directors initially consisting of Tom Walker, Greg Smith, Jameson Clark, John Fugitt, and Sean McQueary. All successor directors will be appointed by



the Mayor with the consent of the City Council.

The Sunshine Towne Centre CID will have the power to impose a sales and use tax at a maximum rate of one percent (1.0%) on all retail sales made within the District that are subject to taxation pursuant to state law. Such tax shall be subject to the approval of the qualified voters within the District by a mail-in ballot election. If approved, the CID will use the sales and use tax revenues to reimburse the Developer up to \$2,217,330 for the cost of the internal streets ("CID Projects") with interest. The CID and its authority to impose a sales and use tax shall expire after 27 years or upon reimbursing the entire cost of the CID Projects, whichever occurs first.

The Cooperative Agreement between the City of Springfield, the Sunshine Towne Centre CID, and the Developer ("Exhibit 2") specifies how the District sales and use tax revenue will be collected and disbursed. Under this agreement, the Missouri Department of Revenue will collect the sales and use tax and deposit the revenues into a special trust account created by the CID. The CID shall use the funds to reimburse the Developer for the costs associated with CID Projects. Prior to disbursement of funds, the Developer shall submit a Certificate of Completion and Reimbursable Project Costs to the City and the CID, verifying the CID Projects are completed and the reimbursable costs are indeed associated with the CID Projects. Documentation in the form of receipts, invoices, etc. will be required to confirm that the costs were in fact incurred and paid. In order to reimburse the City for its costs associated with establishing the CID, reviewing reimbursable project costs and annual budgets, and performing other duties for the operations of the CID, the Cooperative Agreement provides for the City to receive payment of an administrative fee equal to one and one-half percent (1.5%) of the District sales and use tax revenues on a quarterly basis.

REMARKS: The Springfield City Clerk has reviewed the Petition and verified that it substantially complies with Sections 67.1401 to 67.1571, RSMo, the Community Improvement District Act. Staff recommends approval.

Submitted By: Matthew Schaefer, Senior City Planner

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Maurice S. Jones, Deputy City Manager 2/21/2024

Attachments:

1. Sunshine Town Centre CID_ Ord
2. Sunshine Towne Centre CID_exh1
3. Sunshine Towne Centre CID_exh 2

One-rdg. _____
P. Hrngs. X
Pgs. 55
Filed: 02-20-24

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-039

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING a Petition to Establish the Sunshine Towne Centre Community
2 Improvement District; authorizing the City Manager, or designee, to
3 execute a Cooperative Agreement between the City of Springfield, the
4 Sunshine Towne Centre Community Improvement District, and
5 Springfield West Partners, LLC; and directing the City Clerk to notify
6 the Missouri Department of Economic Development and the Missouri
7 State Auditor of the creation of the District.
8 _____
9

10 WHEREAS, Sections 67.1401 to 67.1571 RSMo. (the "CID Act") authorize the
11 governing body of any municipality, as defined in the CID Act, to adopt an ordinance
12 establishing a community improvement district upon receipt of a proper petition
13 requesting the formation of such a district and after a public hearing on formation of the
14 district; and
15

16 WHEREAS, on January 16, 2024, a Petition ("Petition") to establish the Sunshine
17 Towne Centre Community Improvement District (the "District") was filed with the City
18 Clerk; and
19

20 WHEREAS, the City Clerk verified that the Petition complied with the CID Act,
21 and a public hearing was set with all proper notice being given in accordance with the
22 CID Act or other applicable law; and
23

24 WHEREAS, City Council held a public hearing on February 26, 2024, at which all
25 persons interested in the formation of the District were allowed an opportunity to speak
26 and at which time City Council heard all protests and received all endorsements.
27

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

31 Section 1 – The Sunshine Towne Centre Community Improvement District is
32 hereby created within the City of Springfield, Missouri, as a political subdivision of the
33 State of Missouri, having the powers and purposes set forth in the Petition, the original

of which is on file with the City Clerk and a copy of which is attached hereto and incorporated herein by this reference as "Exhibit 1."

Section 2 – Pursuant to the Petition, the existence of the District shall automatically terminate if the District has not, within six months of passage of this Ordinance, duly approved and executed a binding Cooperative Agreement with the City, in substantially the same form as attached hereto as "Exhibit 2."

Section 3 – The City Manager, or designee, is hereby authorized to enter into the Cooperative Agreement, in substantially the same form as "Exhibit 2," and to do all things reasonable and convenient to comply with the terms and intent of this Ordinance.

Section 4 – The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development and the Missouri State Auditor the report specified in Subsection 6 of Section 67.1421 of the Community Improvement District Act, and to further notify the office of the Greene County Clerk of the District's Petition and establishment.

Section 5 – The officers of the City are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes, or additions to the foregoing documents herein approved, authorized, and confirmed which they may approve, and the execution of such action shall be conclusive evidence of such necessity or advisability.

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Laura Vales, Assistant City Attorney

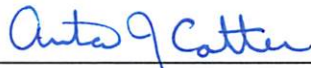
Approved for Council action: Jason A. Hage, City Manager

City Clerk Verification

Pursuant to Section 67.1401 to 67.1571 of the Revised Statues of Missouri (the "CID Act"), I, Anita J. Cotter, City Clerk of Springfield, Missouri, state the following:

1. A petition to establish the Sunshine Towne Centre Community Improvement District was filed in the office of the City Clerk of Springfield, Missouri on the 16th day of January 2024.
2. I have reviewed the petition and have determined on January 31, 2024, which does not exceed ninety days after receipt of the petition, that the petition substantially complies with the requirements of Section 67.1421.2 of the CID Act.

Date: 1/31/2024


Anita J. Cotter, MMC/MPCC
City Clerk

**PETITION TO ESTABLISH THE
SUNSHINE TOWNE CENTRE
COMMUNITY IMPROVEMENT DISTRICT**

City of Springfield, Greene County, Missouri

Submitted January 16, 2023/4

**PETITION TO ESTABLISH THE
SUNSHINE TOWNE CENTRE COMMUNITY IMPROVEMENT DISTRICT**

To the City Council of the City of Springfield, Greene County, Missouri (the "City")

The undersigned (collectively, the "Petitioners"), being the owners of record of more than fifty percent (50%) by assessed value of the real property within the boundaries of the proposed Sunshine Towne Centre Community Improvement District (the "District") and the owners of record of more than fifty percent (50%) per capita of all owners of real property within the boundaries of the District, do hereby petition and request that the City approve and establish the Sunshine Towne Centre Community Improvement District in order to fund all or part of the cost of services and public improvements provided and made within the District under the authority of Sections 67.1401 to 67.1571, RSMo. (the "Community Improvement District Act" or "Act") in accordance with this Petition. In support of this Petition, Petitioners state as follows:

1. Legal Description and Map of District Boundaries; Property Areas; Ownership.

The legal description of the District is attached hereto as **Exhibit A**. A map illustrating the District boundaries is attached hereto as **Exhibit B**. The boundaries of the District are contiguous. The Petitioners collectively own more than 50% by assessed value of the real estate within the District and comprise more than 50% per capita of all owners of real property within the boundaries of the District. A listing of all the owners of real estate in the District, all of whom have signed this Petition, is attached hereto as **Exhibit C**.

2. Name of District.

The name of the proposed District is the "Sunshine Towne Centre Community Improvement District."

3. Signatures May Not Be Withdrawn Later Than Seven Days After Submittal.

Notice has been provided to all Petitioners that their signatures may not be withdrawn later than seven (7) days after the filing of this Petition with the City Clerk. This notice is included on each signature page attached to this Petition.

4. Five-Year Plan.

A five-year plan stating a description of the purposes of the District, the services it will provide, each improvement it will make from the list of allowable improvements under Section 67.1461 of the Act, an estimate of costs of these services and improvements to be incurred, the anticipated sources of funds to pay the costs, and the anticipated terms of the sources of funds to pay the costs is attached hereto as **Exhibit D** and includes **Exhibits D-1 and D-2**.

5. Type of District.

The District will be a political subdivision.

6. Board of Directors.

A. The District will be governed by a five (5) member board of directors (the "Board").

B. Each Director, during the Director's entire term, shall:

- i) Be at least 18 years of age;
- ii) Be a resident of the state of Missouri; and
- iii) Be an owner of real property within the District, which is defined in the Act as the individual or individuals or entity or entities who own a fee interest in real property that is located within the district ("Owner") or their legally authorized representative ("Owner Representative"); or an owner of a business operating within the District, which the Act defines for business organizations and other entities as the individual who is legally authorized to represent the entity with regard to the District ("Business Owner"); and
- iv) Notwithstanding the foregoing subsection (iii), at least one Director must not be an Owner, Owner Representative, or Business Owner, and instead must meet all of the following:
 - (a) Be a resident of the City of Springfield;
 - (b) Be qualified and registered to vote under RSMo. Chapter 115 according to the records of the election authority as of the thirtieth (30th) day prior to the date of the applicable election;
 - (c) Have no financial interest in any real property or business operating within the District; and
 - (d) Not be a relative within the second degree of consanguinity or affinity to an owner of real property or a business operating in the District.

C. Each Director who is an Owner or Owner Representative located in the District must declare to be either an Owner or Owner Representative. All Owner Representatives must be certified in writing as an Owner Representative by the Owner. In the event the Owner de-certifies an Owner Representative as an authorized representative of the Owner, for any reason at the discretion of the Owner, the Owner Representative shall immediately be ineligible to be a Director and shall automatically be removed from the Board.

D. Except for the initial Directors which are named, approved, and appointed by way of the City Council's approval of this Petition, each Director shall be appointed by the Mayor with the advice and consent of the City Council according to a slate submitted by the Board to the City Clerk.

E. The Petitioners hereby propose the following slate of Directors:

NAME	TYPE	TERM
Tom Walker	Owner Representative	4 Years
Greg Smith	City Resident – Non-owner Representative	4 Years
Jameson Clark	Owner Representative	2 Years
John Fugitt	Owner Representative	2 Years
Sean McQueary	Owner Representative	2 Years

F. The initial Directors named above shall serve for the terms set forth opposite their names or until their successors are appointed in accordance with this Petition. Their successors shall serve for four-year terms or until their successors are appointed in accordance with the Act. If so appointed, there shall be no limits on the number of times a person may serve as a Director and there shall not be any term limits. By execution of this Petition, the Petitioners each hereby agree, represent and warrant that the individuals listed on the slate above as Owner Representatives are hereby named and designated as Owner Representatives.

G. In the event for any reason a Director is not able to serve his or her full term or is removed from the Board for any reason ("Exiting Director"), any vacancy to the Board shall be filled by appointment of an interim director ("Interim Director") which shall be nominated by the remaining Directors and appointed by the Mayor as per Section 7 of this Petition. Notwithstanding anything to the contrary, any Director's failure to meet the qualification requirements set forth in this Section 6, either in a Director's individual capacity or in a Director's representative capacity, shall constitute cause for the Board to take appropriate action to remove said Director. However, the failure to meet such representation requirements shall not affect the Board's authority to hold meetings, exercise any of the District's powers or take any otherwise lawful action, assuming a lawful quorum to do so.

7. Successor Directors.

A. Successor Directors, whether to serve a new term or to fill a vacancy on the Board, shall be appointed in accordance with the Act according to a slate submitted to the City Clerk by the Board. The City Clerk shall deliver the slate to the Mayor. The Mayor may appoint the successor Directors according to the slate submitted, provided that such appointments shall not be effective unless the City Council consents to said appointments by resolution; or the Mayor or the City Council may reject the slate submitted and request in writing that the Board submit an alternate slate.

- B. If an alternate slate is requested, the Board shall submit an alternate slate to the City Clerk. The City Clerk shall deliver the alternate slate to the Mayor. The Mayor may appoint the successor Directors according to the alternate slate submitted, and the City Council may consent by resolution to the appointment; or, the Mayor or the City Council may reject the alternate slate submitted and request that the Board submit another alternate slate.
- C. The procedure described above shall continue until the successor Directors are appointed by the Mayor with the consent of the City Council.

8. Total Assessed Value.

As of the date of submittal of this Petition, the total assessed value of all privately-owned real property located within the District is \$257,590.

9. Determination of Blight.

The Petitioners do not seek a determination that the District, or any portion thereof, is a blighted area.

10. Life of District.

Subject to the provisions of Section 13 of this Petition, the District will continue to exist and function until the earlier of: (i) twenty seven years (27) from the adoption of the ordinance establishing the district unless the municipality extends the length of time under section 67.1481 of the Act; (ii) until the entire cost of the CID Projects (and accrued interest), as such term is defined on Exhibit D attached hereto, and including Exhibits D-1 and D-2, is reimbursed by the CID Sales Tax Revenue, as herein defined; or (iii) until any bond, notes, or other obligations issued by or on behalf of the District (the "CID Obligations") to pay the costs of the CID Projects have been fully repaid (however, in this regard, a refinancing or restructuring of said bond issue shall not constitute a repayment thereof).

11. Maximum Rates of Business License Tax, Real Property Tax and Sales Tax.

A. License and Real Estate Taxes.

The District will not impose business license taxes or real estate taxes.

B. Sales and Use Taxes.

The District may, by resolution, impose a district sales and use tax (the "CID Sales Tax"), at a maximum rate not to exceed one percent (1.0%), on all retail sales made in the District which are subject to taxation pursuant to Sections 144.010 to 144.525, RSMo., except sales of motor vehicles, trailers, boats, or outboard motors and sales to or by public utilities and providers of communications, cable, or video services. No resolution adopted by the District regarding the CID Sales Tax shall become effective unless the Board submits to the qualified voters of the District, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to Section

67.1545 of the Act, and a majority of the qualified voters in the District cast ballots in favor of the sales and use tax.

12. Maximum Rates of Special Assessments and the Method of Assessment.

The District will not impose special assessments.

13. Cooperative Agreement Relating to CID Sales Tax Revenue Collection and Distribution.

Within six (6) months following the establishment of the District and prior to funding eligible project costs, the District, the City, and the Developer shall enter into an intergovernmental agreement (the "Agreement") that shall provide for the collection and administration of the District revenues, the method of certifying eligible project costs, payment of ongoing District operating costs, disbursement of District revenues, and other rights, duties, and obligations of the District, City, and Developer for the operations of the District. Failure to execute the Agreement within the aforementioned time period shall result in termination of the District.

14. Limitations on Borrowing Capacity.

The District will have the authority to borrow funds from any public or private source and issue obligations and provide security for the repayment of same as provided by the Act and as otherwise provided by Missouri law, including, without limitation, pledging CID Sales Tax Revenue. Petitioners do not seek limitations on the borrowing capacity of the District.

15. Limitations on Revenue Generation.

The District will have no limitations on the revenue it may generate.

16. Other Limitations on District Powers.

The District will have the authority and powers granted to community improvement districts and political subdivisions under the Act and as otherwise provided by Missouri law.

17. Annual Reports and Meetings.

The District shall comply with the reporting and meeting requirements described in Sections 67.1471 and 105.145, RSMo., and acknowledges that such meetings shall be open to the public and subject to the requirements of the Missouri Sunshine Law set forth in RSMo. Section 610.010, et seq.

18. Request for Ordinance Establishing District.

The Petitioners respectfully request the City Council of the City of Springfield, Missouri to hold a public hearing in accordance with section 67.1421, RSMo. and adopt an ordinance to establish the District as set forth in this Petition.

19. Severability

If any provision of this Petition shall be held or deemed to be invalid, inoperative, or unenforceable as applied in any particular case, or in all cases, because it conflicts with any other provision or provisions of this Petition or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision contained in this Petition invalid, inoperative, or unenforceable to any extent whatsoever.

[Remainder of page left intentionally blank]

**Signature Page to Petition to Establish the
Sunshine Towne Centre Community Improvement District**

The undersigned requests that the City Council of the City of Springfield, Missouri establish the Sunshine Towne Centre Community Improvement District according to the preceding Petition.

Name of Owner: SPRINGFIELD WEST PARTNERS LLC

Owner's Telephone Number: (417) 877-7900

Owner's Mailing Address: 2870 S INGRAM MILL RD # A, SPRINGFIELD, MO 65804

If Signer is different from Owner

Name and Title of Signer: CURTIS JARED, MANAGER

Basis of Signer's Legal Authority to Sign: MANAGER

Signer's Telephone Number: (417) 877-7900

Signer's Mailing Address: 2870 S INGRAM MILL RD # A, SPRINGFIELD, MO 65804

Owner's Property within District

<u>Tax ID</u>	<u>Address</u>	<u>Acres</u>	<u>Assessed Value</u>
ID: 1333210001	1819 S FARM ROAD 133	8.5	\$ 246,080.00
ID: 1333210016	1903 S FARM ROAD 133	5	\$ 5,810.00
ID: 1332100113	3503 W WASHITA ST	0.35	\$ 5,700.00

By executing this Petition, the undersigned represents and warrants that he or she is authorized to execute this Petition on behalf of the property owner named immediately above. Signatures may not be withdrawn later than seven days after this Petition is filed with the City Clerk.

By: Curtis Jared 12.14.2023
Curtis Jared, Manager Date

STATE OF MISSOURI)
) SS.
COUNTY OF GREENE)

Before me personally appeared Curtis Jared, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this 14 day of December 2023.

My commission expires: 1/5/2024

[Signature]
Notary Public



**Signature Page to Petition to Establish the
Sunshine Towne Centre Community Improvement District**

The undersigned requests that the City Council of the City of Springfield, Missouri establish the Sunshine Towne Centre Community Improvement District according to the preceding Petition.

Name of Owner: TARGET CORPORATION

Owner's Telephone Number: 612-696-0000

Owner's Mailing Address: Target Corporation, Target Properties, 1000 Nicollet Mall, TPN 12H, Mpls, MN 55403

If Signer is different from Owner

Name and Title of Signer: Michael J. Seaman, Sr. Director Real Estate

Basis of Signer's Legal Authority to Sign: Secretary's Certificate

Signer's Telephone Number: SEE ABOVE

Signer's Mailing Address: SEE ABOVE

Owner's Property within District

<u>Tax ID</u>	<u>Address</u>	<u>Acres</u>	<u>Assessed Value</u>
ID: 1333210001	1819 S FARM ROAD 133	8.5	\$ 246,080.00
ID: 1333210016	1903 S FARM ROAD 133	5	\$ 5,810.00
ID: 1332100113	3503 W WASHITA ST	0.35	\$ 5,700.00

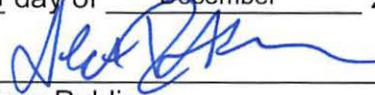
By executing this Petition, the undersigned represents and warrants that he or she is authorized to execute this Petition on behalf of the property owner named immediately above. Signatures may not be withdrawn later than seven days after this Petition is filed with the City Clerk.

By:  December 14, 2023
Signature of Owner or Person Signing for Owner, as Trustee Date

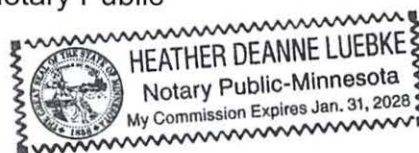
STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

Before me personally appeared Michael J. Seaman, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this 14th day of December 2023.


Notary Public

My commission expires: Jan. 31, 2028



CLERK'S RECEIPT OF PETITION

This Petition to establish the Sunshine Towne Centre Community Improvement District was filed in the office of the City Clerk of Springfield, Missouri on the 16th day of January, 2024.

[SEAL]



Anita J. Cotter

Anita J. Cotter, MMC/MPCC
City Clerk

EXHIBIT A
District Legal Description

Part of the NW 1/4 of Section 33, part of the NE 1/4 of Section 32, West of the Fifth Principal Meridian, Greene County, Missouri and being more particularly described as follows:

Commencing at the Northwest Corner of said NW 1/4 of the NW 1/4; thence South 88°43'00" East 226.63 feet along the North line of said Section 33; thence leaving the North line of said Section 33, South 1°17'00" West 83.14 feet, on the South Right of Way line at Station 467+64.31 with an Offset Right of 54 feet from the centerline for W. Sunshine St., as described in General Warranty Deed, Recorded in Book 2579, Page 1062, MODot Job No. J8U0509; thence continuing along W. Sunshine St. South Right of Way as shown on Final Plans, Route 60 Federal Aid Project Number FAC85-AID, Sheet 8, South 88°38'20" East 475.56 feet, to the Point of Beginning; thence continuing along said W. Sunshine St. South Right of Way line, South 88°38'20" East 559.13 feet; thence continue along said W. Sunshine St. South Right of Way line, South 48°21'33" East 53.69 feet; thence leaving said W. Sunshine St. South Right of Way line, South 2°05'32" West 72.21 feet; thence around a tangent curve to the left having a radius of 125.73 feet, an arc length of 9.10 feet, a chord bearing of South 0°01'08" West and a Chord distance of 9.10; thence South 2°03'16" East 75.74 feet; thence around a tangent curve to the right having a radius of 74.27 feet, an arc length of 5.38 feet, a chord bearing of South 0°01'08" West and a Chord distance of 5.37; thence South 2°05'32" West 214.85 feet; thence around a tangent curve to the left having a radius of 1525.73 feet, an arc length of 18.43 feet, a chord bearing of South 1°44'46" West and a Chord distance of 18.43; thence South 1°24'00" West 320.60 feet to a found iron pipe at the Northeast corner of Lot 1, Yandell Subdivision, Recorded March 12, 1965 in Book W, Page 65; thence North 88°38'44" West 114.33 feet along the North line of said Lot 1, Yandell Subdivision to a found iron pin at the Northeast corner of Lot 1, Final Plat, Windchime Subdivision, Recorded August 15, 1986 in Book JJ, Page 68; thence along the North line of said Windchime Subdivision, North 88°54'22" West 140.54 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 88°40'06" West 70.86 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 88°33'58" West 70.65 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 88°46'46" West 140.76 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 88°41'17" West 140.85 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 88°43'44" West 70.35 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 88°43'20" West 352.76 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 87°29'51" West 208.70 feet to a found iron pin on the West line of said Section 33; thence North 87°29'51" West 47.34 to a point on the Easterly Right of Way line for W. Bypass as described in General Warranty Deed, Recorded in Book 2579, Page 1062, MODot Job No. J8U0509; thence along the said W. Bypass Easterly Right of Way, around a curve to the left having a radius of 1363.24 feet, an arc length of 80.01 feet, a chord bearing of North

11°06'20" East and a Chord distance of 80.00; thence leaving said W. Bypass Easterly Right of Way line, South 71°53'30" East 69.21 feet; thence South 81°35'38" East 59.38 feet; thence South 88°38'20" East 578.81 feet; thence North 89°06'21" East 32.94 feet; thence North 45°12'39" East 34.67 feet; thence North 1°21'40" East 280.03 feet; thence North 0°47'12" West 80.06 feet; thence North 1°21'40" East 278.01 feet; thence North 24°38'03" West 35.05 feet to the Point of Beginning
Contains 483,245 square feet or 11.094 acres of land, more or less.

EXHIBIT B
Map of District Boundary

Exhibit B

SL 5938636.11

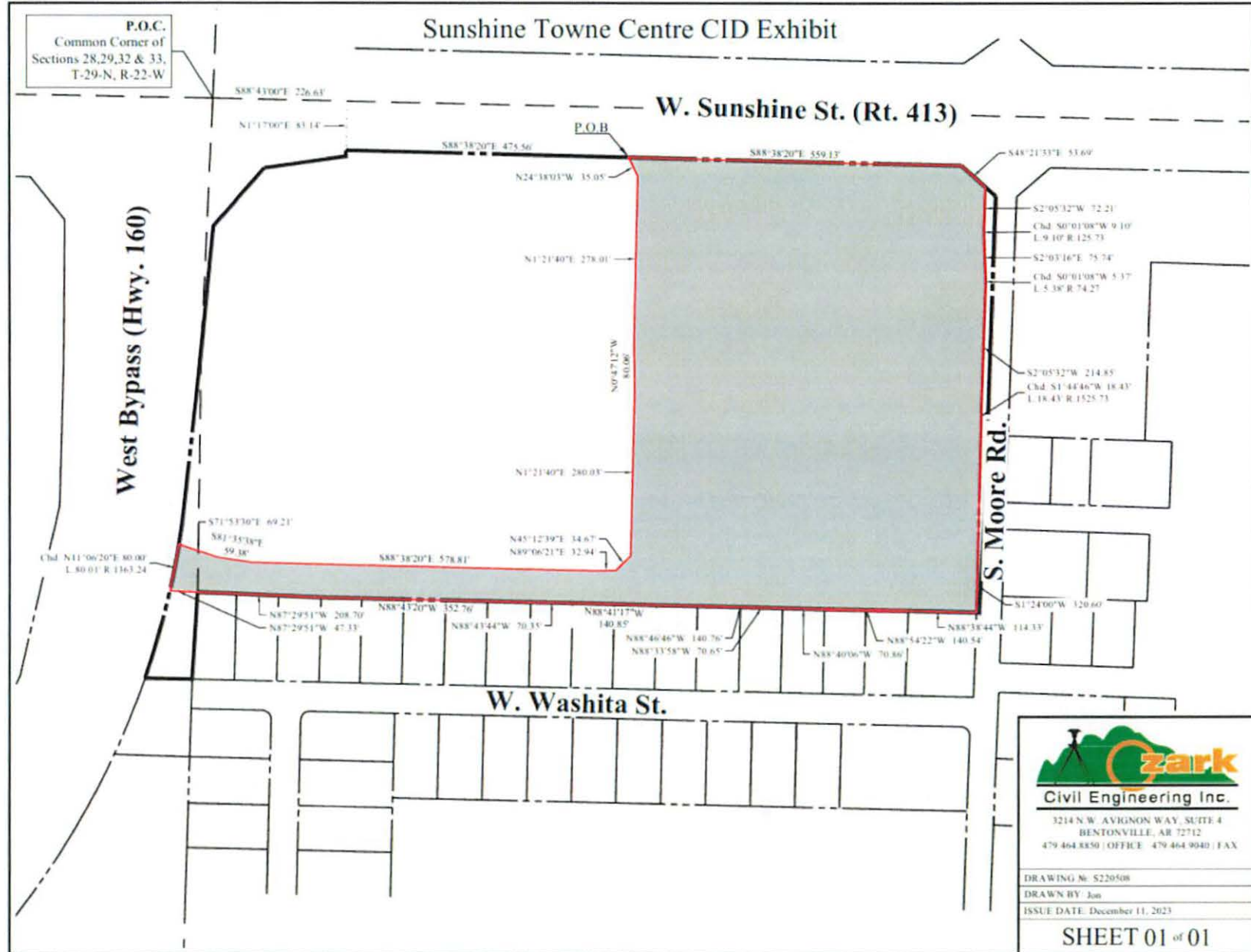


Exhibit B

SL 5938636.11

EXHIBIT C

List of Owners of Real Property within District

PIN	Address	Owner	Acres	Assessed Value
ID: 1333210001	1819 S FARM ROAD 133	SPRINGFIELD WEST PARTNERS LLC TARGET CORPORATION	8.5	\$ 246,080.00
ID: 1333210016	1903 S FARM ROAD 133	SPRINGFIELD WEST PARTNERS LLC TARGET CORPORATION	5	\$ 5,810.00
ID: 1332100113	3503 W WASHITA ST	SPRINGFIELD WEST PARTNERS LLC TARGET CORPORATION	0.35	\$ 5,700.00
			13.85	\$ 257,590.00

NOTE: ALL OF TAX PARCEL 1333210001 WILL BE LOCATED IN THE DISTRICT. HOWEVER, ONLY PORTIONS OF TAX PARCELS 1333210016 AND 1332100113 WILL BE LOCATED IN THE DISTRICT.

CONTEMPORANEOUS WITH THE FILING OF THIS PETITION, PETITIONER RECORDED A NEW PLAT, WHICH MODIFIED THE BOUDATIES OF THE PARCELS HOWEVER, AS OF THE DATE OF THIS PETITION, NEW TAX PARCELS HAVE NOT BEEN ESTABLISHED. AS SUCH, THIS PETITION REFERENECS THE OLD TAX PARCELS. AS A RESULT, BOTH PETITIONERS OWN PORTIONS OF THE OLD TAX PARCELS.

THE EXISTING TAX PARCELS ARE DEPICTED BELOW:



EXHIBIT D
Five-Year Plan

1. Purpose of the District. The purposes of the District are to:

- A. Form and govern the District as provided in this Petition and in accordance with the Act and the Missouri Revised Statutes;
- B. Provide or cause to be provided for the benefit of the District, certain CID Projects as described in this Exhibit;
- C. Develop funding sources, including the levying of the CID Sales Tax, necessary in order to pay for the required expenses, costs and expenses of the District and to pay for the CID Projects in a manner provided in this Petition and as authorized by the Act;
- D. Provide for ongoing administrative activities (e.g. accounting, communications, reporting) as are required by the Act and the Cooperative Agreement; and,
- E. Such other purposes as authorized or required by the Act.

2. CID Projects

A. Services. The services that may be performed by the District include the following:

- i) The District will oversee organizational matters of the District, including the adoption of bylaws and other governance policies; support business activity and in the District including the promotion of business activities through the construction, installation, maintenance, and equipping of improvements within the District; and undertake and satisfy administrative responsibilities required under the CID Act.
- ii) In connection with the improvements, the District may facilitate/provide funding for applicable professional fees and other costs, including (i) architectural, (ii) legal/accounting (iii) engineering, (iv) landscape design, (v) permits (vi) insurance.

B. Improvements.

- i) Facilitate/provide funding in order to construct, reconstruct, install, repair, maintain, and equip any of the following: sidewalks, streets, lighting, retaining walls, traffic signs and signals utilities, drainage works, water, storm and sewer systems and other site improvements, and any other useful, necessary or desired improvements permitted under the CID Act, within or directly benefitting the access road depicted in the site plan attached hereto as Exhibit D-3.

C. Costs.

- i) The estimated costs of the CID Projects (exclusive of accrued interest) to be reimbursed by the District are set forth in the attached Exhibit D-1. The party or parties constructing the improvements may only be reimbursed by the CID Sales Tax for the items identified as Reimbursable Project Costs on this Exhibit D-1 (the "**Reimbursable Project Costs**"), plus accrued interest, as set forth in the Cooperative Agreement.
3. **Budget.** The anticipated sources of funds to pay the costs, the anticipated terms of the sources of funds to pay the costs, the estimated operating costs, and the estimated five-year budget are set forth in the attached Exhibit D-2.

EXHIBIT D-1
Estimated CID Project Costs

ESTIMATED CID PROJECT COSTS

Mobilization	\$81,583.00
Roadways/Asphalt/Curbs/Gutters	\$457,873.00
Drainage Structures/Piping	\$1,205,758.00
Fencing/Buffer/Landscaping	\$98,600.00
Street Lighting	\$152,315.00
Soil Stabilization/Rock Remediation	\$101,715.00
Topsoil Distribution	\$5,831.00
Hydromulching/Site Stabilization	\$25,900.00
Striping	\$4,500.00
Right of Way Acquisition	\$41,143.00
Civil Engineering/Surveying	\$15,187.00
Legal	\$26,925.00
	<u>\$2,217,330.00</u>

NOTE: Categories and amounts are for illustration purposes only and are not intended to establish limitations for any particular purpose. Savings in one budget category may be applied to additional costs incurred in other budget categories; provided however, the total amount may not exceed \$2,217,330.00 (exclusive of interest). The amount shown above excludes accrued interest on any obligations issued by the District to finance the CID Project.

EXHIBIT D-3

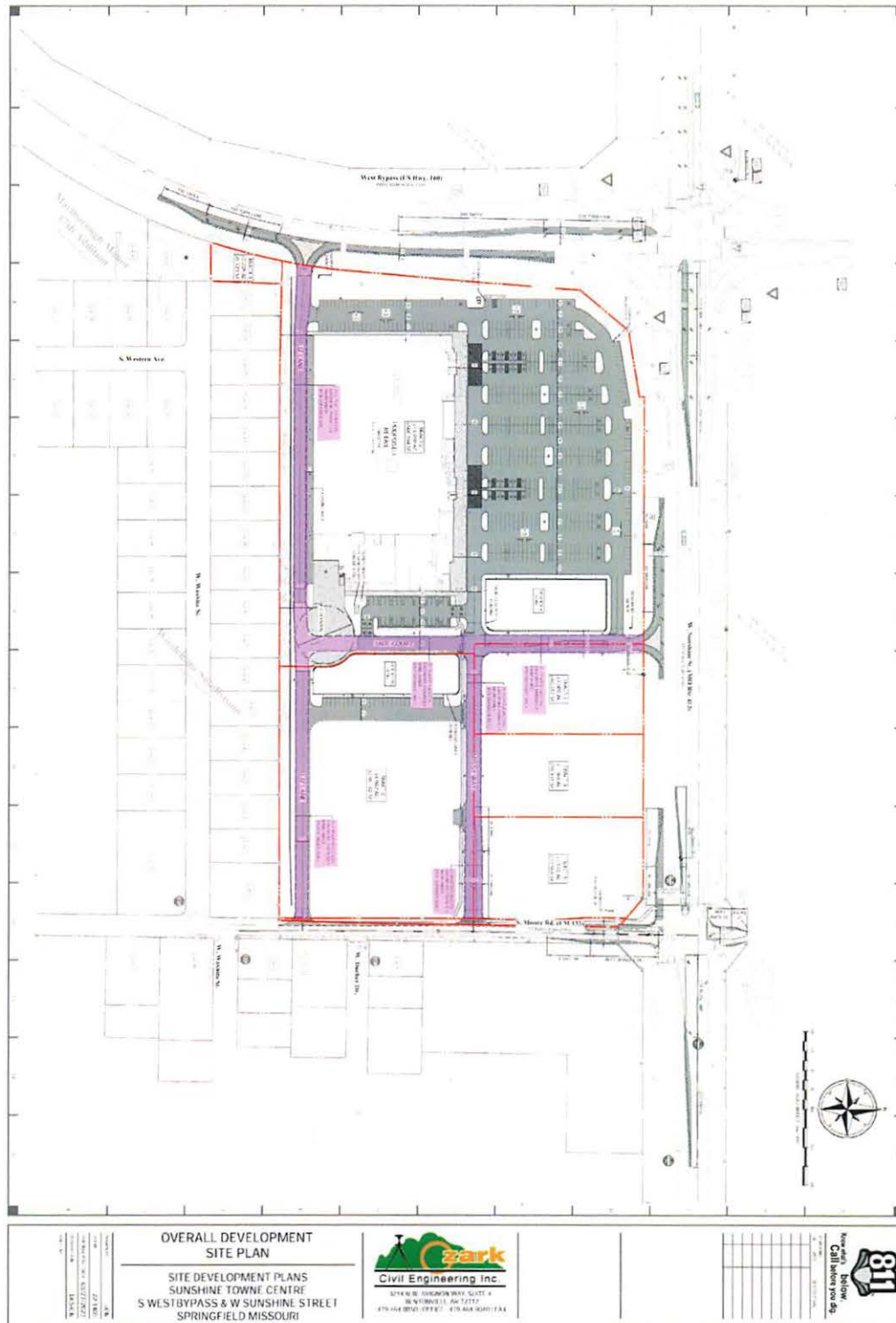
Five-Year Budget with Anticipated Sources of Funds and Terms of Sources of Funds

Carleton Place Centre CIO Community Improvement District		1% CIO Sales Tax Estimate											
CIO Sales Tax Rate		1.000%											
Outboard Restaurant	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year
1	2	3	4	5	6	7	8	9	10	11	12	13	
80,000	84,000	88,000	92,000	96,500	101,411	106,741	112,491	118,660	125,249	132,268	139,717	147,606	155,945
Outboard Coffee	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year
20,000	21,000	22,100	23,210	24,422	25,636	27,051	28,476	29,911	31,356	32,811	34,276	35,751	37,226
Outboard Drive Thru	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year
40,000	42,000	44,000	46,000	48,212	50,647	53,212	55,807	58,432	61,087	63,772	66,487	69,232	72,007
General Retail	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year
80,000	87,472	95,472	103,972	112,072	120,772	129,972	139,672	149,872	160,572	171,772	183,472	195,672	208,372
Net Sales Tax Revenue	223,259	234,472	246,766	259,344	273,535	289,340	306,300	324,544	344,084	364,928	387,168	410,808	435,948
Outboard Restaurant	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year
14	15	16	17	18	19	20	21	22	23	24	25	26	27
94,651	99,600	104,556	109,521	114,497	119,482	124,476	129,480	134,494	139,518	144,552	149,596	154,649	159,711
Outboard Coffee	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year
23,604	24,739	25,874	27,009	28,144	29,279	30,414	31,549	32,684	33,819	34,954	36,089	37,224	38,359
Outboard Drive Thru	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year
47,347	49,860	52,373	54,886	57,399	59,912	62,425	64,938	67,451	69,964	72,477	74,990	77,503	80,016
General Retail	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year
98,506	103,455	108,404	113,353	118,302	123,251	128,200	133,149	138,098	143,047	147,996	152,945	157,894	162,843
Net Sales Tax Revenue	264,153	276,704	289,462	302,437	315,729	329,348	343,293	357,564	372,172	387,117	402,400	418,021	433,979

SUNSHINE TOWNE CENTRE SUMMARY		
YEAR	1% CID Revenue	TOTAL
2025	223,259	223,259
2026	234,422	234,422
2027	236,766	236,766
2028	239,134	239,134
2029	241,525	241,525
2030	243,940	243,940
2031	246,380	246,380
2032	248,844	248,844
2033	251,332	251,332
2034	253,845	253,845
2035	256,384	256,384
2036	258,948	258,948
2037	261,537	261,537
2038	264,153	264,153
2039	266,794	266,794
2040	269,462	269,462
2041	272,157	272,157
2042	274,878	274,878
2043	277,627	277,627
2044	280,403	280,403
2045	283,207	283,207
2046	286,039	286,039
2047	288,900	288,900
2048	291,789	291,789
2049	294,707	294,707
2050	297,654	297,654
2051	300,630	300,630
TOTAL		\$ 7,144,715

NOTE: THE AMOUNTS SHOWN ABOVE ARE PRELIMINARY ESTIMATES; ACTUAL REVENUES WILL VARY FROM THE ABOVE PRELIMINARY ESTIMATES. ALL REVENUES ARE GENERATED FROM THE CID SALES TAX.

EXHIBIT D-4 **Conceptual Site Plan**



The interior access roads are shaded in purple. The CID Project also include other necessary or desired improvements permitted under the CID Act, which are located outside of the shaded area but are necessary or directly benefitting the access roads. Site plan is conceptual and subject to change.

Exhibit D-3

SL 5938636.11

Exhibit 2

COOPERATIVE AGREEMENT

among the

CITY OF SPRINGFIELD, MISSOURI,

and

**SUNSHINE TOWNE CENTRE
COMMUNITY IMPROVEMENT DISTRICT**

and

SPRINGFIELD WEST PARTNERS, LLC

dated as of

_____, 2024

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COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT (“**Agreement**”), entered into as of this ____ day of _____, 2024, among the **CITY OF SPRINGFIELD, MISSOURI**, a constitutional charter city and political subdivision of the State of Missouri (the “**City**”), the **SUNSHINE TOWNE CENTRE COMMUNITY IMPROVEMENT DISTRICT**, a Missouri community improvement district (the “**District**”), and **SPRINGFIELD WEST PARTNERS, LLC** (the “**Developer**”) (the City, District and Developer being sometimes collectively referred to herein as the “**Parties**”, and individually as a “**Party**”, as the context so requires).

WITNESSETH:

WHEREAS, pursuant to Ordinance No. 27686, The City and the Developer entered into that certain Infrastructure Reimbursement Agreement dated as of December 14, 2023 (the “**IRA**”), whereby the parties agreed to “use their Best Efforts and cooperate with each other in good faith in all proceedings relating to the creation and certification of the [District], including the execution and filing of all petitions, consents, approvals, notices, authorizations or other documents required to create and certify the [District], including the Petition and the Cooperative Agreement...”

WHEREAS, on January 16, 2024, the owners of record of more than fifty percent (50%) by assessed value of the real property within the boundaries of the District and the owners of record of more than fifty percent (50%) per capita of all owners of real property within the boundaries of the District filed the “Petition to Establish the Sunshine Towne Centre Community Improvement District”, which proposed formation of the District; and

WHEREAS, the City Council of Springfield, Missouri (the “**City Council**”), held a public hearing on February ____, 2024 and adopted Special Ordinance _____, which approved the Petition and established the District, on March ____, 2024; and

WHEREAS, the Petition requires the District and the Developer to enter into an agreement with the City which shall provide for the collection and administration of the District revenues, the method of certifying eligible project costs, payment of ongoing District operating costs, disbursement of District revenues, and other rights, duties, and obligations of the District, City, and Developer for the operations of the District; and

WHEREAS, the District is authorized under the CID Act to undertake the CID Projects, to impose the CID Sales and Use Tax to pay for Reimbursable Project Costs and other costs relating to the administration of the District and the implementation of the CID Projects, and to enter into this Agreement for such purposes; and

WHEREAS, the City, the District, and the Developer desire to enter into this Agreement to set forth the Parties’ duties and obligations with respect to the administration, enforcement, and operation of the District.

NOW, THEREFORE, for and in consideration of the premises, and the mutual covenants herein contained, the Parties agree as follows:

ARTICLE 1: RECITALS, EXHIBITS, AND DEFINITIONS

Section 1.1 Recitals and Exhibits.

The representations, covenants and recitations set forth in the foregoing recitals and the exhibits attached to this Agreement are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Section, and the appropriate exhibits are incorporated into each Section of this Agreement that makes reference to an exhibit. The Petition and this Agreement are substantially similar to the forms appended to the IRA and all differences are hereby approved.

Section 1.2 Definitions.

Words and terms defined elsewhere in this Agreement shall have the meanings assigned therein. Whenever used in this Agreement, the following words and phrases, unless the context otherwise requires, shall have the following meanings:

“Accrued Interest” means interest accrued on unpaid Reimbursable Project Costs payable by the District at a rate of six percent (6%) per annum, from the date that such costs are approved (or deemed approved) as set forth in Section 4.3 herein. Accrued Interest shall be deemed a Reimbursable Project Cost; provided, however, Accrued Interest shall not be counted for purposes of calculating the maximum of Reimbursable Project Costs set forth in Exhibit “A-1”.

“Administrative Fee” means that amount of the CID Sales and Use Tax Revenue that the City shall receive as reimbursement for the reasonable and actual expenses incurred by the City for performing certain administrative duties of the District, including establishing the District, reviewing the District’s annual budgets and reports required to be submitted to the City, and administering and accounting for the CID Sales and Use Tax, pursuant to Section 3.3 of this Agreement.

“CID Act” means the Missouri Community Improvement District Act, Sections 67.1401, *et seq.*, RSMo., as amended.

“CID Projects” means the services and public improvements within the District, eligible under the CID Act, that are provided for and constructed for, or in connection with, the District, as described in **Exhibit “A-1”** attached hereto.

“CID Sales Tax” means the sales and use tax levied by the District on taxable retail sales within the District’s boundaries, per Section 67.1545 of the CID Act, at a maximum rate of one percent (1.0%) pursuant to the Petition.

“CID Sales Tax Revenues” means the monies actually collected, pursuant to this Agreement and the CID Act, from the imposition of the CID Sales and Use Tax.

“City Council” means the governing body of the City of Springfield, Missouri.

“District” is the Sunshine Towne Centre Community Improvement District, which includes all real property described on **Exhibit “A”** and as set forth on the map in **Exhibit “B.”**

“Event of Default” means any event specified in Section 6.1 of this Agreement.

“Excusable Delays” means delays due to acts of terrorism, acts of war or civil insurrection, strikes, riots, floods, earthquakes, fires, tornadoes, casualties, acts of God, labor disputes, governmental restrictions or priorities, pandemic or public health emergency, embargoes, national or regional material shortages, failure to obtain regulatory approval from any Federal or State regulatory body, unforeseen site conditions, material litigation by parties other than a Party and not caused by any Party’s failure to perform, or any other condition or circumstances beyond the reasonable or foreseeable control of the applicable Party using reasonable diligence to overcome which prevents such Party from performing its specific duties or obligation hereunder in a timely manner. Excusable Delays shall extend the time of performance for the period of such excusable delay.

“Operating Costs” means the actual, reasonable expenses which are necessary for the operation of the District, which include, but are not limited to, costs associated with notices, publications, meetings, supplies, equipment, photocopying, the engagement of special legal counsel, financial auditing services, and other consultants or services. Operating Costs shall be deemed a Reimbursable Project Cost; provided, however, Operating Costs shall not be counted for purposes of calculating the maximum of Reimbursable Project Costs set forth in Exhibit “A-1”.

“Ordinance” means an ordinance enacted by the City Council.

“Parties” or **“Party”** means the City, the District, and/or the Developer, as the context requires.

“Petition” means the Petition to Establish the Sunshine Towne Centre Community Improvement District,” which the City Clerk accepted as in substantial compliance with RSMo. 67.1421 on January 31, 2024.

“Reimbursable Project Costs” means all actual and reasonable costs and expenses which are incurred by or at the direction of the Developer or the District with respect to the construction of the CID Projects, including the actual and reasonable cost of labor and materials payable to contractors, builders, suppliers, vendors and materialmen in connection with the construction contracts awarded for the CID Projects that are constructed or undertaken by the Developer, plus all actual and reasonable costs to plan, finance, develop, design and acquire the CID Projects, and the ongoing administration of the District, including but not limited to the following:

(1) Actual and reasonable fees and expenses of architects, appraisers, attorneys, surveyors and engineers for estimates, surveys, soil borings and soil tests and other preliminary investigations and items necessary to the commencement of construction, financing, preparation of plans, drawings and specifications and supervision of construction, as well as for the performance of all other duties of architects, appraisers, attorneys, surveyors and engineers in relation to the construction of the CID Projects and all actual and reasonable costs for the oversight of the completion of the CID Projects;

(2) All Operating Costs of the District; and

(3) All other items of expense not elsewhere specified in this definition which may be necessary or incidental to the review, approval, acquisition, construction, improvement and financing of the CID Project and which may lawfully be paid or incurred by the District under the CID Act, to include any Accrued Interest.

ARTICLE 2: REPRESENTATIONS

Section 2.1 Representations by the District.

The District represents that:

A. The District is a community improvement district and political subdivision, duly organized and existing under the laws of the State of Missouri, including particularly the CID Act.

B. The CID has authority to enter into this Agreement and to carry out its obligations under this Agreement. By proper action of District's Board of Directors (the "Board"), the District has been duly authorized to execute and deliver this Agreement, acting by and through its duly authorized officers.

C. The execution and delivery of this Agreement, the consummation of the transactions contemplated by this Agreement and the performance of or compliance with the terms and conditions of this Agreement by the District will not conflict with or result in a breach of any of the terms, conditions or provisions of, or constitute a default under, any mortgage, deed of trust, lease or any other restriction or any agreement or instrument to which the District is a party or by which it or any of its property is bound, or any order, rule or regulation of any court or governmental body applicable to the District or any of its property, or result in the creation or imposition of any prohibited lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of the District under the terms of any instrument or agreements to which the District is a party.

D. There is no litigation or proceeding pending or, to its knowledge, threatened against the District affecting the right of the District to execute or deliver this Agreement or the ability of the District to comply with its obligations under this Agreement or which would materially adversely affect its financial condition.

E. The District acknowledges that construction of the CID Projects is of significant value to the District, the property within the District and the general public. The District finds and determines that the CID Projects will promote the economic welfare and the development of the City and the State of Missouri through: (i) the creation of temporary and permanent jobs; (ii) stimulating additional development in the area near the CID Projects; (iii) increasing local and state tax revenues; and (iv) providing necessary public access and infrastructure improvements for the District and other surrounding development. Further, the District finds that the CID Projects conform to the purposes of the CID Act.

F. The District acknowledges that Section 285.530, RSMo, prohibits any business entity or employer from knowingly employing, hiring for employment, or continuing to employ an unauthorized alien to perform work within the state of Missouri. District therefore covenants that, to the extent the District has any employees, it will enroll and actively participate in a federal work authorization program required by Section 285.530, RSMo, for public employers; that it will not knowingly violate subsection 1 of Section 285.530, RSMo; that it will not knowingly employ, hire for employment, or continue to employ any unauthorized aliens to perform work related to this Agreement; and that its employees are lawfully eligible to work in the United States.

Section 2.2 Representations by the City.

The City represents that:

A. The City is duly organized and existing under the Constitution and laws of the State of Missouri, as a constitutional-charter city.

B. The City has authority to enter into this Agreement and to carry out its obligations under this Agreement, and the Mayor of the City or his designee has been duly authorized to execute and deliver this Agreement.

C. The execution and delivery of this Agreement, the consummation of the transactions contemplated by this Agreement, and the performance of or compliance with the terms and conditions of this Agreement by the City will not conflict with or result in a breach of any of the terms, conditions or provisions of, or constitute a default under, any mortgage, deed of trust, lease or any other restriction or any agreement or instrument to which the City is a party or by which it or any of its property is bound, or any order, rule or regulation of any court or governmental body applicable to the City or any of its property, or result in the creation or imposition of any prohibited lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of the City under the terms of any instrument or agreement to which the City is a party.

D. There is no litigation or proceeding pending or, to its knowledge, threatened against the City affecting the right of the City to execute or deliver this Agreement or the ability of the City to comply with its obligations under this Agreement.

E. The City acknowledges that construction of the CID Projects is of significant value to the City and the general public. The City finds and determines that the CID Projects will promote the economic welfare and the development of the City and the State of Missouri through: (i) the creation of temporary and permanent jobs; (ii) stimulating additional development in the area near the CID Project; (iii) increasing local and state tax revenues; and (iv) providing necessary public improvements for the District and other surrounding development. Further, the City finds that the CID Projects conform to the purposes of the CID Act.

Section 2.3 Representations by the Developer.

The Developer represents that:

A. The Developer has all necessary power and authority to execute and deliver and perform the terms and obligations of this Agreement and to execute and deliver the documents required of the Developer herein, and such execution and delivery has been duly and validly authorized and approved by all necessary proceedings. Accordingly, this Agreement constitutes the legal valid and binding obligations of the Developer, enforceable in accordance with its terms.

B. The execution and delivery of this Agreement, the consummation of the transactions contemplated thereby, and the fulfillment of the terms and conditions hereof do not and will not conflict with or result in a breach of any of the terms or conditions of any corporate or organizational restriction or of any agreement or instrument to which it is now a party, and do not and will not constitute a default under any of the foregoing.

C. No litigation, proceedings or investigations are pending or, to the knowledge of the Developer, threatened against the Developer or any member of the Developer or the CID Projects. In addition, no litigation, proceedings or investigation are pending or, to the knowledge

of the Developer, threatened against the Developer seeking to restrain, enjoin or in any way limit the approval or issuance and delivery of this Agreement or which would in any manner challenge or adversely affect the existence or powers of the Developer to enter into and carry out the transactions described in or contemplated by the execution, delivery, validity or performance by the Developer, the terms and provisions of this Agreement.

D. The Developer is in compliance with all valid laws, ordinances, orders, decrees, decisions, rules, regulations and requirements of every duly constituted governmental authority, commission and court applicable to any of its affairs, business, and operations as contemplated by this Agreement.

E. The Developer acknowledges that Section 285.530, RSMo, prohibits any business entity or employer from knowingly employing, hiring for employment, or continuing to employ an unauthorized alien to perform work within the state of Missouri. The Developer therefore covenants that, to the extent it has any employees, it will enroll and actively participate in a federal work authorization program required by Section 285.530, RSMo, for public employers; that it will not knowingly violate subsection 1 of Section 285.530, RSMo; that it will not knowingly employ, hire for employment, or continue to employ any unauthorized aliens to perform work related to this Agreement; and that its employees are lawfully eligible to work in the United States.

ARTICLE 3: COLLECTION OF REVENUES

Section 3.1 Imposition of the CID Sales Tax.

The District may approve a resolution that, subject to the approval of the District's qualified voters, imposes the CID Sales Tax. The CID Sales Tax shall appear before the qualified voters by mail-in ballot pursuant to Section 67.1545 of the CID Act. If the ballot measure passes, the District shall notify the Missouri Department of Revenue of the election results.

Section 3.2 Administration and Collection of the CID Sales Tax.

The Parties anticipate that the CID Sales Tax will be collected by the Missouri Department of Revenue, as provided in the CID Act.

The District shall receive the CID Sales Tax Revenue collected by the Department of Revenue. The District shall then deposit the CID Sales Tax Revenues directly into a special trust fund in accordance with Section 67.1545 of the CID Act. The Sales Tax Revenues shall be used to pay the City's Administrative Fee, to reimburse the District for Operating Costs incurred by the District, and to reimburse the Developer for Operating Costs or Reimbursable Project Costs incurred by the Developer including any Accrued Interest, in the order of priority set forth in Section 3.6.

The District and the City shall have no obligation to reimburse the Developer for Project Costs until a Certificate(s) of Completion and Reimbursable Project Costs has been approved (as described in Section 4.3) and after and to the extent CID Sales Tax Revenues have been collected and are available for payment to Developer in accordance with this Agreement.

Section 3.3 Administrative Fee.

The City shall receive an Administrative Fee in the amount of one and one-half percent (1.5%) of the total CID Sales Tax Revenues for its administration efforts with the District and its review of project costs for certification and reimbursement. Said fee shall be paid on a quarterly basis within 60 days of the end of the quarter and shall be accompanied by a Certificate of Administrative Fee signed by an officer of the District certifying that the payment amount is 1.5% of the CID Sales Tax revenues during that period. A sample Certificate of Payment of Administrative Fee is attached as **“Exhibit D”**.

Section 3.4 Operating Costs.

The District shall pay for the Operating Costs of the District incurred by or on behalf of the District from CID Sales Tax Revenues. The Operating Costs shall be included in the District's annual budget, as provided in Section 4.5. In the course of performing the administrative duties set forth in Section 3.2, the City may incur Operating Costs for the District. The District shall approve the Operating Costs incurred by the City and shall reimburse the City for these costs. In the event the CID Sales Tax Revenues do not fully cover the District's Operating Costs, the Developer may advance the Operating Costs, and any amounts so advanced shall be reimbursed in subsequent fiscal years.

Section 3.5 Enforcement of the CID Sales Tax.

Upon request by the Board of the District the City agrees, to the extent permitted by law, to take any and all actions necessary for collection and enforcement of the CID Sales Tax. The City may, in its own name or in the name of the District, prosecute or defend in action, lawsuit or proceeding or take any other action involving third persons which the City deems reasonably necessary in order to secure the payment of any CID Sales Tax. The District hereby agrees to cooperate fully with the City and to take all action necessary to effectuate the substitution of the City for the District in any such action, lawsuit or proceeding if the City shall so request. The costs for all actions taken by the City for enforcement and legal proceedings for enforcement and collection of the CID Sales Tax shall be treated as Operating Costs of the District.

Section 3.6 Distribution of the CID Sales Tax Revenues.

No disbursements of the CID Sales Tax Revenues shall be made until the City has approved a Certificate(s) of Completion and Reimbursable Project Costs, as defined in Section 4.3. After the City has approved a Certificate(s) of Completion and Reimbursable Project Costs for the CID Projects, and to the extent Reimbursable Project Costs remain unpaid, the District shall make disbursements of the entire balance of the CID Sales Tax Revenues not later than sixty (60) days after the end of each calendar quarter in the following order of priority:

- A. The District shall pay the City's Administrative Fee as set forth in Section 3.3.
- B. The District shall pay Operating Costs of the District.
- C. The District shall pay Developer's Reimbursable Project Costs.

Section 3.7 Records of the CID Sales Tax.

The District shall keep accurate records of the CID Sales and Use Tax collected and copies of such records shall be made available to the City. Any District records pertaining to the CID Sales Tax shall be provided to the City upon written request of the City, as permitted by law.

Section 3.8 Repeal of the CID Sales Tax.

Upon the occurrence of the earlier of the following: (1) both the Developer and the District have been fully reimbursed for all Reimbursable Project Costs and Operating Costs; or (2); the date that is twenty-seven (27) years after the date on which the City Council adopts an ordinance forming the District, the District shall implement the procedures in the CID Act for repeal of the CID Sales Tax and abolishment of the District.

The District shall not implement the procedures in the CID Act for repeal or modification of the CID Sales Tax and abolishment of the District if: (1) any CID Sales Tax Revenues are due to the City for outstanding Administrative Fees; (2) the District, with the prior written consent of the City, has approved another project pursuant to the CID Act; or (3) any portion of the District's obligations remain unpaid.

The City's obligation to perform for the District any functions incident to the administration, collection, enforcement and operation of the CID Sales Tax for the District shall terminate concurrent with the repeal of the CID Sales Tax levied by the District.

Upon repeal of any CID Sales Tax, the District shall:

1. Pay the City's Administrative Fee to which it is entitled in accordance with this Agreement.
2. Pay all outstanding Operating Costs to the District.
3. Pay all unpaid Reimbursable Project Costs to the Developer.
4. Retain any remaining CID Sales Tax Revenues until such time as the District is abolished and the District has provided for the transfer of any funds remaining in a manner permitted by the CID Act.

ARTICLE 4: FINANCING CID PROJECTS

Section 4.1 Design and Construction of CID Projects.

As allowed by the CID Act, the District's role is solely to fund and assist in the funding of the CID Projects and the Operating Costs. The CID Projects shall be designed and constructed by or at the direction of Developer, and the District shall have no obligation to design or construct the CID Projects. The CID Projects shall be designed and constructed on a schedule to be determined by the Developer, in accordance with plans approved by the City and in accordance with all applicable City codes and ordinances. To the extent applicable, if at all, the Developer shall comply with all applicable laws regarding the payment of prevailing wages to contractors or subcontractors of the Developer for the construction of the CID Projects. The Developer shall indemnify and hold harmless the City for any damage resulting from failure of the Developer, the District, or any contractor or subcontractor of the Developer or the District to pay prevailing wages pursuant to applicable laws.

Section 4.2 Financing the CID Projects.

The Developer shall provide or secure the financing of the CID Projects. The District shall be allowed and is authorized to issue and incur District obligations, such as promissory notes to the Developer for certified reimbursement expenses as well as bonds and other financing mechanisms as the District determines is in its best interest. The District shall impose the CID Sales Tax within the boundaries of the District to assist in the funding of the CID Projects.

Section 4.3 Certificates of Completion and Reimbursable Project Costs.

Upon completion of the CID Projects (or any applicable portion of any CID Project), or upon payment by the Developer of any Operating Costs, the Developer shall submit a Certificate of Completion and Reimbursable Project Costs using the form attached as **Exhibit "C"**: The Developer shall provide itemized invoices, receipts or other information to confirm that any such cost is so incurred and does so qualify. If the City reasonably determines that the CID Projects, or an applicable portion of any CID Project, have been completed in accordance with all relevant codes, regulations, statutes and laws, and that the costs submitted for reimbursement are Reimbursable Project Costs, then the City shall approve the Certificate of Completion and Reimbursable Project Costs and the amounts stated therein for payment. If the CID Projects, or an applicable portion of any CID Project, is not complete, or any amount submitted for reimbursement are not Reimbursable Project Costs, then the City shall not approve the certificate and the amounts stated therein for payment and shall specify in writing within sixty (60) days after receiving Developer's Certificate of Completion and Reimbursable Project Costs the reason(s) for withholding its approval. If the City does not specify reasons for withholding its approval within said 60-day period, the Certificate shall be deemed approved. If the City withholds approval, the Developer or the District may request a hearing to challenge the City's determination. The City shall hold a hearing at which the Developer or the District may present new and/or additional evidence. Developer shall have the right to identify and substitute other Reimbursable Project Costs with a supplemental application for payment, subject to the limitations of this Agreement, for any requested reimbursement that does not qualify as a Reimbursable Project Cost.

The Developer is not limited in the number of Certificates of Completion that may be submitted for approval, nor do such submissions need to occur in any particular order, so long as they comply with the requirements in this section.

Section 4.4 Ownership, Maintenance and Dedication of CID Projects.

The District's sole role is to fund and assist in the funding of the CID Project and the Operating Costs. The District shall have no ownership of the CID Projects, and title to the CID Projects shall at all times be vested in the name of the Developer, the City, or other appropriate entity; provided, however, the District shall be entitled to hold leasehold or easements rights with respect to any part of the CID Projects. The District shall not be responsible for maintenance of such CID Projects that are dedicated to, and accepted by, the City. The Developer shall be responsible for obtaining and maintaining insurance for the design, construction, operation and maintenance of the CID Projects in such form and amounts as required by applicable City policy or ordinance, the City's Risk Manager, or state law.

Section 4.5 Annual Budget.

The fiscal year for the District shall be the same as the fiscal year of the City.

The budget for the District's first fiscal year shall be prepared and submitted to City Council within ninety (90) days after execution of this Agreement. For each subsequent fiscal year of the

District, the District shall, no earlier than one hundred eighty (180) days and no later than ninety (90) days prior to the first day of each fiscal year, submit a proposed budget for the upcoming fiscal year to City Council, the Missouri Department of Revenue, and the State Auditor. Each budget for the District shall generally be prepared in accordance with all applicable state statutes including Section 67.1471 RSMo, as amended. City Council may review the proposed budget and provide comments to the District, which comments shall be submitted in writing no later than sixty (60) days prior to the first day of the relevant fiscal year. The District shall consider the City Council's comments, if any, and it may amend the proposed budget accordingly if it so chooses. The District shall adopt the annual budget no later than thirty days (30) prior to the first day of the fiscal year.

Section 4.6 New CID Projects.

The District may use CID Sales Tax Revenues, as such revenues are available, to pay Reimbursable Project Costs for all CID Projects which have been determined by the City Council to be necessary and approved in accordance with the CID Act. The District shall not undertake any CID Projects other than those shown in Exhibit D to the Petition, except with the prior approval of the City Council. Payments due to the City pursuant to the priority established in Section 3.6 for its Administrative Fee shall take priority over any costs associated with new CID Projects.

ARTICLE 5: SPECIAL COVENANTS

Section 5.1 Records of the Districts.

The District shall keep proper books of record and account on behalf of the District in which full, true and correct entries will be made of all dealings or transactions of or in relation to its business affairs in accordance with sound accounting principles, consistently applied. The District shall make its books and records available to the City and shall furnish the City such information as it may reasonably request concerning the District, including such statistical and other operating information requested on a periodic basis, in order to determine whether the covenants, terms and provisions of this Agreement have been met. In addition, the District shall, within one hundred twenty (120) days after the end of each fiscal year, submit a report to the Springfield City Clerk, the Missouri Department of Revenue, and the State Auditor stating the services provided, revenues collected and expenditures made by the District during such fiscal year, stating the dates the District adopted its annual budget, submitted its proposed annual budget to the City Council, and submitted its annual report to the City Clerk; and including copies of written resolutions approved by the Board during the fiscal year. For that purpose, all pertinent books, documents and vouchers relating to the District's business, affairs and properties that are otherwise considered public information and not confidential in nature shall at all times during regular business hours be open to the inspection of the City by its accountant or other agent (who may make copies of all or any part thereof provided that the confidentiality of all records shall be maintained pursuant to applicable confidentiality laws and such confidentiality agreements as the City reasonably requires) as shall from time to time be designated and paid for by the inspecting party.

Section 5.2 Records of the City.

The City shall keep and maintain adequate records of the disbursements it authorizes the District to make for reimbursement or payment of the Reimbursable Project Costs (including Operating Costs) to the Developer and the Administrative Fees paid to the City. Such records shall be available for inspection by the District upon reasonable notice. The District shall submit

to the City Clerk true and accurate copies of all agendas at least twenty-four hours in advance, annual meeting notices and minutes, the adopted budget and any reports or filings provided to State agencies.

Section 5.3 Consent by Developer, Tenants and Transferees.

A. Developer shall cause all leases of property which are expected to generate CID Sales Taxes in the District to contain provisions that are in substantial compliance with the following:

Community Improvement District: Tenant acknowledges and consents that the Leased Premises are a part of the Sunshine Towne Centre Community Improvement District (the "District") created by Springfield, Missouri (the "City"), and that the District may impose a sales and use tax on all retail sales made in the District which are subject to taxation pursuant to RSMo. §§ 144.010 to 144.525, which will be applied toward the costs of services or improvements for the District. If the District imposes a sales and use tax, Tenant shall (i) add the Tax to the Tenant's sales price as applicable, and when so added such Tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid; (ii) provide a copy of its business license / occupancy certificate to the District; and (iii) prominently display the rate of the Tax imposed or increased at the cash register area. Tenant hereby acknowledges and agrees that the District and the City are third party beneficiaries of the obligations in this paragraph and shall have a separate and independent right to enforce both these reporting requirements.

B. Developer shall insert in any document concerning the sale of any real property that generates (or is reasonably expected to generate) the CID Sales Tax, provisions that are in substantial compliance with the following, and shall cause any transferee to insert language reasonably similar to the following, and shall have such document signed by the transferee indicating acknowledgement and agreement to the following:

Community Improvement District: Transferee acknowledges and consents that the Property is a part of the Sunshine Towne Center Community Improvement District (the "District") created by Springfield, Missouri (the "City"). The District may impose a sales and use tax on eligible retail sales within the District, which will be applied towards the costs of improvements for the District. During the term of the Sunshine Towne Centre Community Improvement District ("District"), each Transferee shall ensure that every retailer within the District (i) adds any sales and use taxes adopted by the District (the "CID Sales Tax") to the retailer's sales price and when so added such CID Sales Tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid; (ii) notify the District in case of any sale, lease transfer or other disposition of any part of property within the District; (iii) provides a copy of its business license / occupancy certificate to the District and (iv) ensure that every retailer shall prominently display the rate of the CID Sales Tax at the cash register area. Transferee shall include in each tenant's lease an acknowledgement by the tenant of the CID Sales Tax that runs as a covenant with the land. Moreover, each Transferee shall lend reasonable cooperation to the District in connection with the District's efforts to fund, promote, plan, design, construct, improve, maintain, and operate one or more projects for the benefit of the District. To that end, Transferee agrees, upon reasonable request by the District, in its capacity as owner of part of the real property located in the

District, to execute and deliver all further ballots, instruments and documents as may be reasonably required by the District for such purposes. Transferee hereby acknowledges and agrees that the District, and the City, are third party beneficiaries of the obligations in this paragraph and shall have a separate and independent right to enforce these reporting requirements.

Notwithstanding the foregoing, the Developer shall be deemed to have complied with this provision in the event the foregoing verbiage (or substantially similar verbiage) is included in a real covenant that runs with the real property and said Transferee takes title subject to the same.

C. At least ten (10) business days following its execution, the Developer shall provide a certification to the City, signed by Developer and each such tenant/transferee, confirming that each lease/sales contract affecting real property within the District includes the provisions satisfying the Developer's obligation as set forth in this Section 5.3. Failure of the Developer to include such restrictions in any such lease or sale contract shall in no way modify, lessen or diminish the obligations and restrictions set forth herein relating to the District's and the City's rights of enforcement and remedies under this Agreement.

D. Developer, to the maximum extent possible, shall enforce the lease/sales contract obligations set forth this Section and shall require any purchaser, lessee or other transferee or possessor of real property within the District, to provide to the District and the City a copy of their Missouri sales tax receipts and filing indicating the amount of the sales tax paid. This obligation shall be a covenant running with the land and shall be enforceable against the Developer, to the extent Developer continues to own property within the District and against any purchaser, lessee or other transferee or possessor as if such purchaser, lessee or possessor were originally a party to and bound by this Agreement and shall only terminate upon the end of the term of the District.

Section 5.4 Developer's Obligations to the City under Bond or Surety.

The Parties agree that:

A. The CID Projects, or any portion thereof, which the Developer is or becomes obligated to the City to construct pursuant to any City Code provision or Ordinance, does not diminish the consideration to the District as recited in Section 2.1 and shall be a Reimbursable Project Cost that may be reimbursed in accordance with this Agreement.

B. In the event that the City constructs or causes to be constructed any portion of the CID Projects pursuant to any action on a bond or other form of surety that is provided to the City by the Developer pursuant to the City Code or an Ordinance, then the City shall be entitled to reimbursement from the District for such Reimbursable Project Costs or Operating Expenses that are not paid or reimbursed to the City under such bond or surety. The City shall complete a certificate in substantial compliance with the form in **Exhibit "C"** to receive such reimbursement, which shall be approved by the District in accordance with Section 4.3.

ARTICLE 6: DEFAULTS AND REMEDIES

Section 6.1 Events of Default.

If any one or more of the following events shall occur and be continuing, such event or events shall constitute an Event of Default under this Agreement:

A. Failure by the District to make a payment in a timely manner as required by this Agreement, and the continuance of such failure for ten (10) days following written notice to District of such failure; or

B. Failure by any Party in the performance of any covenant, agreement or obligation imposed or created by this Agreement, and the continuance of such default for sixty (60) days after a non-defaulting Party has given written notice to the defaulting Party specifying such default.

Section 6.2 Remedies on Default.

If any Event of Default has occurred and is continuing, then any non-defaulting Party may, upon its election or at any time after its election while such default continues, by mandamus or other suit, action or proceedings in equity to enforce its rights against the defaulting Party and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Agreement. For the avoidance of doubt, in no event shall an Event of Default effect (i) the standing of the District; the (ii) enforceability or validity of the CID Sales and Use Tax, or (iii) the enforceability or validity of District's obligation to pay approved Reimbursable Project Costs in accordance with this Agreement.

Section 6.3 Rights and Remedies Cumulative.

The rights and remedies reserved by the Parties under this Agreement and those provided by law shall be construed as cumulative and continuing rights. No one of them shall be exhausted by the exercise thereof on one or more occasions. The Parties shall be entitled to specific performance and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceeding in equity.

Section 6.4 Waiver of Breach.

No waiver of any breach of any covenant or agreement contained in this Agreement shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement, and in case of an Event of Default, a non-defaulting Party may nevertheless accept from the defaulting Party, any payment or payments without in any way waiving the non-defaulting Party's right to exercise any of its rights and remedies as provided herein with respect to any such default or defaults in existence at the time when such payment or payments were accepted by the non-defaulting Party.

Section 6.5 Excusable Delays.

No Party shall be deemed to be in default of this Agreement because of Excusable Delays.

ARTICLE 7: MISCELLANEOUS

Section 7.1 Effective Date and Term.

This Agreement shall become effective on the date set forth herein. Upon expiration of the CID Sales Tax as providing in Section 3.8, the District shall be abolished in accordance with Section 67.1481, RSMo.

Section 7.2 Immunities.

No recourse shall be had for any claim based upon any representation, obligation, covenant or agreement in this Agreement maintained against any past, present or future officer, member, employee, director or agent of the City or the District, or of any successor thereto, as such, either directly or through the City or the District, or any successor thereto, under any rule of law or equity, statute or constitution or by the enforcement of any assessment or penalty or otherwise, and all such liability of any such officers, members, employees, directors or agents as such is hereby expressly waived and released as a condition of and consideration for the execution of this Agreement. The District, as a separate political subdivision of the state, is responsible for compliance with all applicable state laws and agree to hold harmless and indemnify the City from and against all suits, claims, costs of defense, damages, injuries, liabilities, costs and/or expenses, including court costs and attorney fees, resulting from, arising out of, or in any way connected with District's failure to comply with any applicable law.

Section 7.3 Modification.

The terms, conditions, and provisions of this Agreement can be neither modified nor eliminated except in writing and by mutual agreement between the Parties. Any modification to this Agreement as approved shall be attached hereto and incorporated herein by reference.

Section 7.4 Applicable Law.

This Agreement shall be governed by and construed in accordance with the laws of the State of Missouri. In the event of any dispute under this Agreement, venue shall be proper only in the Circuit Court of Greene County, Missouri. The Parties agree that the engagement of common special legal counsel among two or more Parties to this Agreement does not materially limit the representation of those Parties and will not adversely affect the relationship between such Parties.

Section 7.5 Notices

Notices required by this Agreement shall be deemed given if deposited in United States mail, first class, postage prepaid, or with a reputable overnight carrier and address as specified below, or to such other address with respect to any Party as that Party may, from time to time, designate in writing and forward to the other Parties.

City
City of Springfield
ATTN: Director of Economic Vitality
840 N. Boonville Ave.
Springfield, MO 65802

District

Sunshine Towne Center Community Improvement District
ATTN: Executive Director
2870-A S Ingram Mill Rd
Springfield, MO 65804

Developer

Springfield West Partners LLC
ATTN: Mr. Thomas Walker
2870-A S Ingram Mill Rd
Springfield, MO 65804

With a copy to:

Spencer Fane LLP
ATTN: Robert B. Preston
One North Brentwood Boulevard, Suite 1200
St. Louis, MO 63105

Section 7.6 Validity and Severability.

It is the intention of the parties hereto that the provisions of this Agreement shall be enforced to the fullest extent permissible under the laws and public policies of the State of Missouri, and that the unenforceability (or modification to conform with such laws or public policies) of any provision hereof shall not render unenforceable, or impair, the remainder of this Agreement. Accordingly, if any provision of this Agreement shall be deemed invalid or unenforceable in whole or in part, this Agreement shall be deemed amended to delete or modify, in whole or in part, if necessary, the invalid or unenforceable provision or provisions, or portions thereof, and to alter the balance of this Agreement in order to render the same valid and enforceable.

Section 7.7 Execution of Counterparts.

This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

Section 7.8 City Approvals.

Unless specifically provided to the contrary herein, all approvals of the City hereunder may be given by the City Manager or his/her designee without the necessity of any action by the City Council.

Section 7.9 District Approvals.

Unless specifically provided to the contrary herein, all approvals of the District hereunder may be given by the Executive Director or his designee without the necessity of any action by the District.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

ATTEST:

THE CITY OF SPRINGFIELD, MISSOURI

City Clerk

By: _____
City Manager

APPROVED AS TO FORM:

City Attorney or designee

**SUNSHINE TOWNE CENTRE COMMUNITY
IMPROVEMENT DISTRICT**

By: _____
Name:
Title:

ATTEST

By: _____

SPRINGFIELD WEST PARTNERS, LLC

By: _____
Name:
Title:

ATTEST

By: _____

EXHIBIT A

DISTRICT LEGAL DESCRIPTION

Part of the NW 1/4 of Section 33, part of the NE 1/4 of Section 32, West of the Fifth Principal Meridian, Greene County, Missouri and being more particularly described as follows:

Commencing at the Northwest Corner of said NW 1/4 of the NW 1/4; thence South 88°43'00" East 226.63 feet along the North line of said Section 33; thence leaving the North line of said Section 33, South 1°17'00" West 83.14 feet, on the South Right of Way line at Station 467+64.31 with an Offset Right of 54 feet from the centerline for W. Sunshine St., as described in General Warranty Deed, Recorded in Book 2579, Page 1062, MODot Job No. J8U0509; thence continuing along W. Sunshine St. South Right of Way as shown on Final Plans, Route 60 Federal Aid Project Number FAC85-AID, Sheet 8, South 88°38'20" East 475.56 feet, to the Point of Beginning; thence continuing along said W. Sunshine St. South Right of Way line, South 88°38'20" East 559.13 feet; thence continue along said W. Sunshine St. South Right of Way line, South 48°21'33" East 53.69 feet; thence leaving said W. Sunshine St. South Right of Way line, South 2°05'32" West 72.21 feet; thence around a tangent curve to the left having a radius of 125.73 feet, an arc length of 9.10 feet, a chord bearing of South 0°01'08" West and a Chord distance of 9.10; thence South 2°03'16" East 75.74 feet; thence around a tangent curve to the right having a radius of 74.27 feet, an arc length of 5.38 feet, a chord bearing of South 0°01'08" West and a Chord distance of 5.37; thence South 2°05'32" West 214.85 feet; thence around a tangent curve to the left having a radius of 1525.73 feet, an arc length of 18.43 feet, a chord bearing of South 1°44'46" West and a Chord distance of 18.43; thence South 1°24'00" West 320.60 feet to a found iron pipe at the Northeast corner of Lot 1, Yandell Subdivision, Recorded March 12, 1965 in Book W, Page 65; thence North 88°38'44" West 114.33 feet along the North line of said Lot 1, Yandell Subdivision to a found iron pin at the Northeast corner of Lot 1, Final Plat, Windchime Subdivision, Recorded August 15, 1986 in Book JJ, Page 68; thence along the North line of said Windchime Subdivision, North 88°54'22" West 140.54 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 88°40'06" West 70.86 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 88°33'58" West 70.65 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 88°46'46" West 140.76 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 88°41'17" West 140.85 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 88°43'44" West 70.35 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 88°43'20" West 352.76 feet to a found iron pin; thence continue along the North line of said Windchime Subdivision, North 87°29'51" West 208.70 feet to a found iron pin on the West line of said Section 33; thence North 87°29'51" West 47.34 to a point on the Easterly Right of Way line for W. Bypass as described in General Warranty Deed, Recorded in Book 2579, Page 1062, MODot Job No. J8U0509; thence along the said W. Bypass Easterly Right of Way, around a curve to the left having a radius of 1363.24 feet, an arc length of 80.01 feet, a chord bearing of North

11°06'20" East and a Chord distance of 80.00; thence leaving said W. Bypass Easterly Right of Way line, South 71°53'30" East 69.21 feet; thence South 81°35'38" East 59.38 feet; thence South 88°38'20" East 578.81 feet; thence North 89°06'21" East 32.94 feet; thence North 45°12'39" East 34.67 feet; thence North 1°21'40" East 280.03 feet; thence North 0°47'12" West 80.06 feet; thence North 1°21'40" East 278.01 feet; thence North 24°38'03" West 35.05 feet to the Point of Beginning
Contains 483,245 square feet or 11.094 acres of land, more or less.

EXHIBIT A-1

ESTIMATED COSTS OF CID PROJECT

A. Estimated CID Project Costs

Mobilization	\$81,583.00
Roadways/Asphalt/Curbs/Gutters	\$457,873.00
Drainage Structures/Piping	\$1,205,758.00
Fencing/Buffer/Landscaping	\$98,600.00
Street Lighting	\$152,315.00
Soil Stabilization/Rock Remediation	\$101,715.00
Topsoil Distribution	\$5,831.00
Hydromulching/Site Stabilization	\$25,900.00
Striping	\$4,500.00
Right of Way Acquisition	\$41,143.00
Civil Engineering/Surveying	\$15,187.00
Legal	\$26,925.00
	\$2,217,330.00

NOTE: The amounts shown above are preliminary estimates; actual costs will vary from the above preliminary estimates. Categories and amounts are for illustration purposes only and are not intended to establish limitations for any particular purpose. Savings in one budget category may be applied to additional costs incurred in other budget categories; provided however, the total amount may not exceed \$2,217,330.00 (exclusive of Operating Costs and any Accrued Interest). The amount shown above excludes Operating Costs and any Accrued Interest on any obligations issued by the District to finance the CID Project.

EXHIBIT B MAP OF DISTRICT

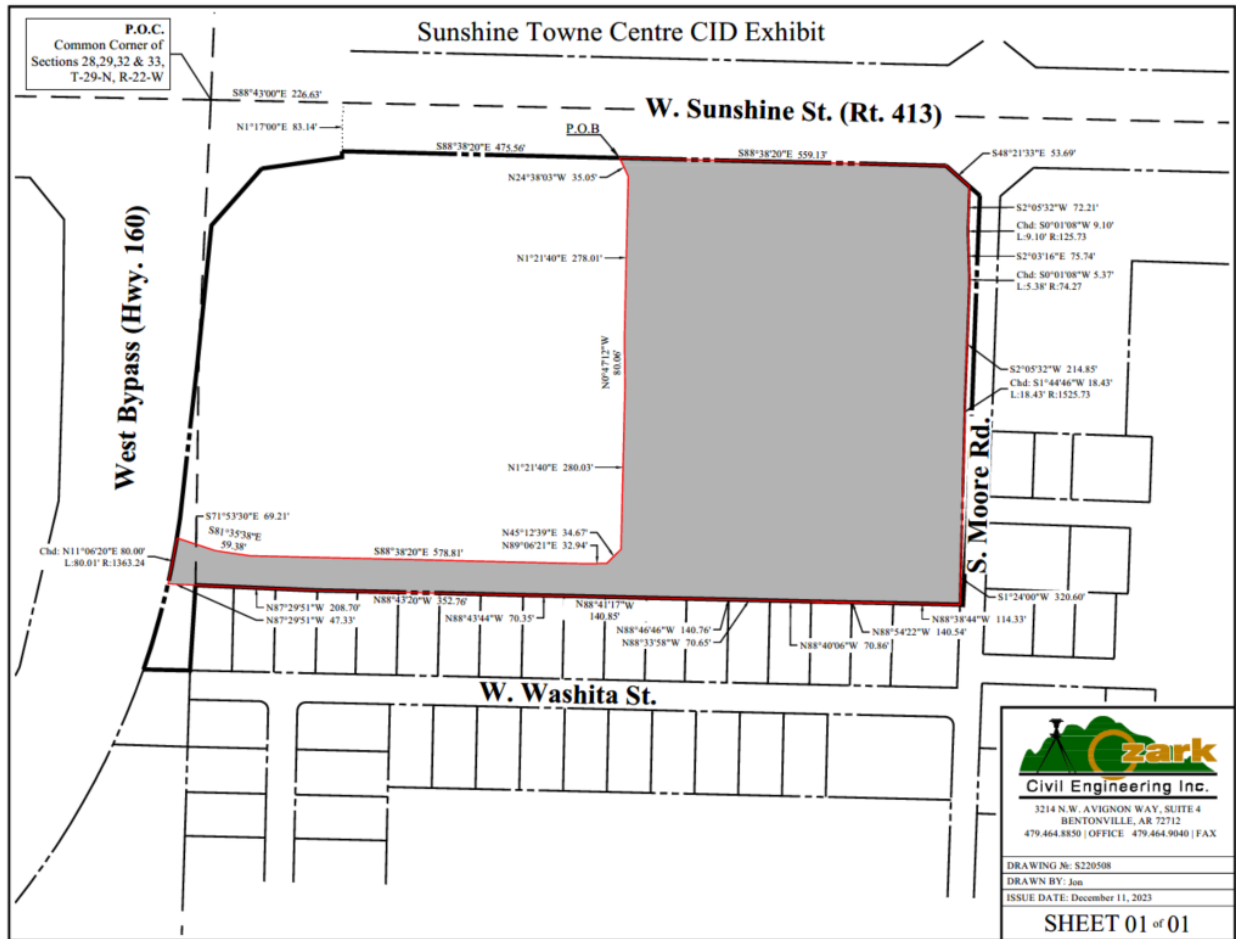


EXHIBIT C

FORM OF CERTIFICATE OF COMPLETION AND REIMBURSABLE PROJECT COSTS

CERTIFICATE OF COMPLETION AND REIMBURSABLE PROJECT COSTS

To: City Manager, City of Springfield, Missouri
cc: Executive Director, Sunshine Towne Center Community Improvement District

Re: Completion and Certification of Reimbursable Project Costs

Terms not otherwise defined herein shall have the meaning ascribed to such terms in the Cooperative Agreement dated as of _____, 20____ (the "Agreement") between the City of Springfield, the Sunshine Towne Center Community Improvement District and the Developer. In connection with said Agreement, the undersigned hereby states and certifies that:

1. The capital improvements of the CID Projects, or an appropriate portion thereof, have been completed in accordance with the Agreement, and all required approvals, certificates or permits have been granted or issued by the appropriate governmental entity agency to commence operation of said improvements in the CID Project.

2. Each item listed on *Schedule 1* attached hereto as a Reimbursable Project Cost and was incurred in connection with the construction /administration of the CID Project.

3. These Reimbursable Project Costs have been paid by the Developer and are reimbursable under the Agreement and the CID Act.

4. No item listed on *Schedule 1* has previously been paid or reimbursed from money derived from the CID Sales Tax, and no part thereof has been included in any other certificate previously filed with the City.

5. With respect to Reimbursable Project Costs, there has not been filed with or served upon the Developer any notice of any lien, right of lien or attachment upon or claim affecting the right of any person, firm or corporation to receive payment of the amounts stated in this request, except to the extent any such lien is being contested in good faith.

6. With respect to Reimbursable Project Costs, all necessary permits and approvals required for the work for which this certificate relates have been issued and are in full force and effect.

7. With respect to Reimbursable Project Costs, all work for which payment or reimbursement is requested has been performed in a good and workmanlike manner and in accordance with the Agreement.

8. If any cost item to be reimbursed under this certificate is deemed not to constitute a Reimbursable Project Cost within the meaning of the Agreement and the CID Act, the Developer shall have the right to substitute other eligible Reimbursable Project Costs for payment hereunder.

9. The Developer is not in default or breach of any term or condition of the Agreement, and no event has occurred and no condition exists which constitutes a Developer Event of Default under the Agreement.

10. All of the Developer's representations set forth in the Agreement remain true and correct in all material respects as of the date hereof.

11. The parties acknowledge and agree that the Developer may submit more than one Certificate as appropriate stages of the CID Project are completed, and the City shall consider and approve each Certificate provided it is otherwise in compliance with the Cooperative Agreement.

12. The parties hereto acknowledge and agree that Reimbursable Project Costs include the Operating Costs of the District and that the Developer shall be entitled to submit requests for said Operating Costs under and as a part of this certificate.

Dated this _____ day of _____, 20____.

[DEVELOPER]

By: _____

Name: _____

Title: _____

Approved:

CITY OF SPRINGFIELD, MISSOURI,
agent for the _____ Community Improvement District

By: _____

Name: _____

Title: _____

Date: _____

**SCHEDULE 1 TO CERTIFICATE OF COMPLETION
AND REIMBURSABLE PROJECT COSTS**

Itemization of Reimbursable Project Costs

EXHIBIT "D"

**FORM OF
CERTIFICATE OF PAYMENT OF ADMINISTRATIVE FEE**

To: City of Springfield, Missouri

Re: Certification of Payment of Administrative Fee

1. The City is entitled to receive an Administrative Fee for its administration efforts with the District in the amount of one and one-half percent (1.5%) of the total CID Sales Tax Revenues.

2. Said fee shall be paid on a quarterly basis within 60 days of the end of the quarter.

3. The District's total CID Sales Tax Revenues for the quarter beginning on (DATE) and ending on (DATE) are: \$_____.

4. The District submits to the City payment of its Administrative Fee for the quarter beginning on (DATE) and ending on (DATE) in the amount of \$_____, which is 1.5% of the CID Sales Tax Revenues during that period.

Dated this ____ day of _____, 20__.

**SUNSHINE TOWN CENTRE COMMUNITY
IMPROVEMENT DISTRICT**

By: _____

Name: .

Title: _____

Payment accepted this ____ day of _____, 20__:

CITY OF SPRINGFIELD, MISSOURI,

By: _____

Name: _____

Title: _____



EXPLANATION TO COUNCIL BILL 2024-040 (HARDINGER)

FILED: 02/09/2024

ORIGINATING DEPARTMENT: Law

TITLE: A special ordinance authorizing an agreement between the City of Springfield, City Utilities, Greene County, and Jasper County Emergency Services for the purpose of providing law enforcement and public safety communications through the Trunked Radio System; and authorizing the City Manager, or designee, to execute said Agreement.

PURPOSE: To authorize the City Manager to enter into an agreement between the City, City Utilities, Greene County, and Jasper County Emergency Services to integrate Jasper County Emergency Services into the Trunked Radio System.

BACKGROUND INFORMATION: The Trunked Radio System ("TRS") was purchased in April 2000 and went operational in 2002. The TRS supports approximately 4,500 public safety and critical infrastructure users with the vast majority working at county and municipal levels. The TRS operates on 18 channels on seven tower sites covering Greene County.

In 2000, prior to the purchase of the TRS, the City of Springfield ("City"), City Utilities of Springfield ("CU"), and Greene County entered into a Participation Agreement governing the operation of the TRS. In 2019, the TRS was upgraded to an all-digital, IP-based system and integrated into the Missouri Statewide Interoperability Network ("MOSWIN").

The current proposed agreement would integrate the TRS with the Jasper County Emergency Services radio system for the purpose of providing each other with redundant services.

Submitted By: Chris Hoeman, Chief Litigator

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

Jason Gage, City Manager 2/16/2024

Attachments:

1. TRS Jasper County MOU_ Ord
2. Agreement -Exhibit A

One-rdg. _____
P. Hrngs. _____
Pgs. 8
Filed: 02-20-24

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-040

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING an agreement between the City of Springfield, City Utilities, Greene
2 County, and Jasper County Emergency Services for the purpose of
3 providing law enforcement and public safety communications
4 through the Trunked Radio System; and authorizing the City
5 Manager, or designee, to execute said Agreement.
6 _____
7

8 WHEREAS, the City of Springfield ("City"), City Utilities of Springfield ("CU"), and
9 Greene County currently partner to operate the Trunked Radio System ("TRS") to
10 provide law enforcement and public safety communications capability in Greene
11 County; and
12

13 WHEREAS, the terms of the partnership between the City, CU, and Greene
14 County are set forth in a Participation Agreement that was entered into in 2000 ("2000
15 Participation Agreement"); and
16

17 WHEREAS, in 2019, the TRS was upgraded to an all-digital, IP-based system
18 and integrated into the Missouri Statewide Interoperability Network ("MOSWIN"); and
19

20 WHEREAS, Jasper County Emergency Services desires to connect with the
21 TRS, and the TRS Partners agree, for the purpose of providing redundant services to
22 each, as set forth in the proposed Agreement, attached hereto as "Exhibit A."
23

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

27 Section 1 – The Agreement between the City of Springfield, City Utilities, Greene
28 County, and Jasper County Emergency Services to be substantially similar in form and
29 content as that attached hereto and incorporated herein as "Exhibit A," for the purpose
30 of connecting Jasper County Emergency Services into the Trunked Radio System to
31 provide each with redundant services is hereby approved.
32

33 Section 2 – The City Manager, or designee, is hereby authorized to execute said

34 Agreement or Agreement in substantially similar form.

35
36 Section 3 – This Ordinance shall be in full force and effect from and after
37 passage.

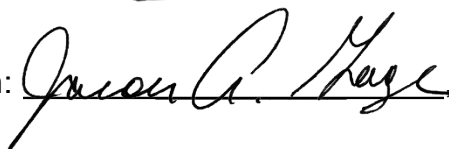
38
39 Passed at meeting: _____

40
41 _____
42 Mayor

43
44 Attest: _____, City Clerk

45
46 Filed as Ordinance: _____

47
48 Approved as to form: , Assistant City Attorney

49
50
51 Approved for Council action:  City Manager
52

AGREEMENT

THIS AGREEMENT made and entered into on this 7 day of Nov 2023, by and between the Trunked Radio Partners, as defined below, and Jasper County Emergency Services, Carthage Missouri, ("JASCO").

WITNESSETH:

WHEREAS, the Trunked Radio Partners have developed an 800 megahertz (MHz) Trunked Radio System ("TRS") to provide improved law enforcement/public safety communications among their various agencies and departments, including emergency and non-emergency communications, which meets the requirements of each Trunked Radio Partners and has capacity to assist additional parties.

WHEREAS the Trunked Radio Partners consist of City Utilities of Springfield, Missouri ("City Utilities"), City of Springfield, Missouri, and Greene County, Missouri

WHEREAS, the TRS is owned and operated by City Utilities according to the 800 MHz Trunked Radio System Participation Agreement which was originally entered into April 13, 2000

WHEREAS, JASCO desires to connect with TRS, and TRS desires to connect with JASCO to provide each with redundant services.

NOW THEREFORE, the parties hereto agree as follows:

1. The parties will connect their respective radio system cores to provide mutual Dynamic Systems Resiliency (DSR), which shall enable seamless communication between the parties in the event of a system failure or outage.
2. Connection:
 - a. JASCO shall have the obligation to perform all work to connect to the TRS. Prior to connection, JASCO shall submit a schedule and plan for when and how to accomplish the Connection, to City Utilities, who shall work with JASCO to accomplish the connection.
 - b. JASCO shall be responsible to purchase and maintain their own subscriber units, dispatch consoles, and building distribution amplifiers.
3. The parties will maintain the radio system cores to compatible HW & SW versions by contracting with Motorola to provide a Software Update Agreement-Level 2 (SUA2) or its equivalent. In case an SUA2-Plus is available at the time of execution of the MOU, the parties shall use the latest available version.
4. The parties agree to implement and maintain cyber security protocols and systems to ensure the confidentiality, integrity, and availability of their respective radio system cores. In case Motorola's ActiveEye system and/or SUS (Security Update Service), is not available for the duration of the MOU, the parties shall implement an equivalent system or as mutually agreed.

- a. Prior to connection, JASCO shall consult with City Utilities as to their cyber security plan.
 - b. Motorola Solutions is providing JASCO with 1 year of RSUS (Remote Security Update Service), after the 1-year term has expired JASCO will use SUS (Security Update Service). JASCO intends to pursue ActiveEye throughout the installation and life of this system and will inform Springfield-Greene TRS should it successfully implement ActiveEye.
5. The parties agree to split the incremental costs (50% to JASCO, 50% to TRS Partners) to increase the capacity of the existing communications path between Jasper County's E911 Center and the Greene County E911 Center, and to extend that link to Twin Oaks.
6. The parties agree that City Utilities will provide technical support to JASCO on a cost recovery basis, subject to mutually agreed terms and conditions.
7. This Agreement shall have an initial term of ten (10) years from the date of execution, unless terminated earlier by mutual agreement or for cause as specified in the MOU. The MOU shall automatically renew for successive one-year terms, unless either party gives written notice of non-renewal at least sixty (60) days prior to the end of the then-current term.
8. Nothing in this agreement will be deemed to vest JASCO with any ownership interest of any kind in the TRS or any right to a seat on the TRS Management Board nor shall anything in this agreement be deemed to vest TRS Management Board with any ownership interest of any kind in JASCO's systems.
9. In no event shall either party be liable to the other for actual, special, incidental, or consequential damages as the result of interruptions of services.
10. JASCO's rights granted herein may be terminated by the Trunked Radio Partners for the following reasons:
 - a. Failure to maintain version compatibility with MOSWIN and TRS
 - b. Failure to enforce and maintain the cyber security plan approved by City Utilities.
11. Miscellaneous Provisions
 - a. No waiver at any time by any party hereto of its rights with respect to the other parties or with respect to any matter arising in connection with this agreement shall be considered a waiver with respect to any subsequent default or matter.
 - b. This agreement shall be governed by and construed in accordance with Missouri law. The venue for any litigation arising from this agreement shall be Greene County, Missouri.

- c. This agreement constitutes the entire agreement between the parties relating to the subject matter hereof and supersedes any other agreements, written or oral, between the parties concerning such subject matter.
- d. Should any provision of this agreement for any reason be declared invalid or unenforceable by a final, non-appealable order of any court or regulatory body having jurisdiction, such decision shall not affect the validity of the remaining portions of this agreement, and such portions shall remain in force and effect as if this agreement had been executed without the invalid portion. In the event any provision of this agreement is declared invalid, the parties shall promptly renegotiate the invalid or unenforceable provision to restore this agreement as near as possible to its original intent and effect.
- e. No modification of the terms and provisions of this agreement shall be or become effective except by written amendment executed by the parties.
- f. Should a dispute or disagreement arise as to the interpretation of any of the terms or conditions of this agreement, or any party's performance thereof, the aggrieved party, as a condition precedent to any remedy under the terms of this agreement or general law, shall notify the other parties in writing describing the dispute and proposed resolution with specificity. The parties shall then meet at an agreed place and time, no more than fifteen (15) days after the delivery of notice of the dispute to attempt a resolution of the dispute.
- g. Each party represents that it has the necessary corporate, legal, and regulatory authority to enter into this agreement and to perform each and every duty and obligation imposed therein. Each individual affixing a signature to this agreement represents and warrants that he or she has been duly authorized to execute this agreement on behalf of the party he or she represents, and that by signing the agreement, a valid, binding and enforceable legal obligation of said party has been created.

IN WITNESS WHEREOF, each of the parties have caused this agreement to be executed by its duly authorized representative.

Jasper County Emergency Services,
Missouri

By: Danzy Stanley

Name: Danzy Stanley

Title: Secretary

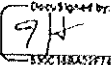
Jasper County Emergency Services,
Missouri

By: Brandon MacIntosh

Name: Brandon MacIntosh

Title: Interim Executive Director

Jasper County Emergency Services,
Missouri

By: 

Name: James Harrison

Title: Chairman

Jasper County, Missouri

By: 

Name: Amber Madison

Title: Office Support Clerk

Approved as to Form
Jasper County Emergency Services
Counselor

By: 

Name: Frank R. Flaspohler

City of Springfield

By: _____

Name: _____

Title: _____

Greene County Commissioner

By: _____

Name: _____

Title: _____

Greene County Commissioner

Approved as to Form (City of Springfield)

By: _____

Name: _____

Greene County Commissioner

By: _____

Name: _____

Title: _____

Greene County Auditor

By: _____

Name: _____

Approved as to Form
(City Utilities of Springfield, Missouri)

By: _____

Name: _____

Title: _____

**Approved as to Form
Greene County Counselor**

By: _____

Name: _____

City Utilities of Springfield, Missouri

By: _____

Name: _____

By: _____

Name: _____



EXPLANATION TO COUNCIL BILL 2024-037 (MCCLURE)

FILED: 02/15/2024

ORIGINATING DEPARTMENT: Public Information and Civic Engagement

TITLE: A special ordinance authorizing the City Manager, or designee, to accept a grant from the Community Foundation of the Ozarks to cover the costs of decor and furnishings for Santa's House at Park Central Square in the amount of \$2,500.

PURPOSE: To accept a grant in the amount of \$2,500 from the Community Foundation of the Ozarks ("CFO") to cover the costs of décor and furnishings for Santa's House at Park Central Square.

BACKGROUND INFORMATION: Each year, the City of Springfield hosts an annual Mayor's Tree Lighting Holiday show the Saturday before Thanksgiving to serve as the kickoff to the holiday season. This is also produced as a television special aired on KY3. The City's Public Works Department and Downtown Community Improvement District ("DCID") work together to obtain and move a 20-plus feet real tree to move to Park Central Square. The design of the tree includes a log cabin house for Santa and Mrs. Claus. Santa's House was opened every weekend between the Mayor's Tree Lighting Holiday Show and Christmas Eve to allow for people to visit The Clauses, ride the SGF Holiday Express Train, and take photos. CFO's special project grant allowed for the purchase of two chairs, a Christmas Tree, and additional holiday décor – all of which can be used annually.

Date	Santa	Train
Friday, November 24, 2023	56	82
Saturday, November 25, 2023	87	103
Friday, December 1, 2023	92	108
Saturday, December 2, 2023	96	105
Friday, December 8, 2023	138	187
Saturday, December 9, 2023	194	218
Friday, December 15, 2023	63	56
Saturday, December 16, 2023	125	184
Friday, December 22, 2023	107	168
Saturday, December 23, 2023	273	322
Total	1231	1533



REMARKS: Since 2017, attendance of the Mayor's Tree Lighting event has grown from approximately 50 people to 2500. No information about attendees is collected, but we assume these attendees are largely from Springfield and Greene County.

In 2020, the height of the pandemic, KY3 / Gray Media became a partner, generously broadcasting our show as a holiday special. The television special has grown into a viable opportunity to promote Springfield and the region as an attraction holiday tourist destination. The PIO team writes, shoots, produces, and edits the entire show in-house.

CONCLUSION: Creating Santa's "Tree" House was an additional step in an effort to enhance Springfield's marketability as a holiday destination, while improving quality of place.

Submitted By: Cora Scott, Director of Public Information & Civic Engagement

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

Attachments:

1. Santa's House at Park Central Square._ord
2. _Santa's House at Park Central Square_ BA

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 02-06-24

Sponsored by: McClure

First Reading: _____ Second Reading: _____

COUNCIL BILL 2024-037 SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to accept a grant from the Community
2 Foundation of the Ozarks to cover the costs of decor and furnishings
3 for Santa's House at Park Central Square in the amount of \$2,500.
4 _____

5
6 WHEREAS, on November 8, 2023, the Board of Directors of the Community
7 Foundation of the Ozarks ("CFO") awarded a \$2500 grant to the city to cover the costs
8 of decor and furnishings for Santa's House at Park Central Square; and
9

10 WHEREAS, Santa's House is an integral part of the Mayor's Tree Lighting
11 Holiday show that takes place each year at Park Central Square; and
12

13 WHEREAS, said show draws approximately 2500 live participants to Park
14 Central Square each year; and
15

16 WHEREAS, KY3 broadcasts said show, which helps promote Springfield and the
17 region as a holiday tourist destination.
18

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

22 Section 1 – The City Manager, or designee, is authorized to accept a grant from
23 the Board of Directors of the Community Foundation of the Ozarks ("CFO") in the
24 amount of \$2,500 to cover the costs of decor and furnishings for Santa's House to be
25 deployed each year at the Mayor's Tree Lighting Holiday show at Park Central Square.
26

27 Section 2 – City Council hereby authorizes the amendment of the budget for
28 Fiscal Year 2023-2024 in the accounts and in the amounts shown on Budget
29 Adjustment No. 054, said Budget Adjustment to be in the form of "Exhibit A," which is
30 attached hereto and incorporated herein by this reference.
31

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

34 Passed at meeting: _____
35 _____
36 Mayor
37

38 Attest: _____, City Clerk
39

40 Filed as Ordinance: _____
41

42 Approved as to form: Duke M. Donald, assistant City Attorney
43
44

45 Approved for Council action: Jason A. Hays, City Manager
46

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
054

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	19	20130	414070	000000	00000	\$ 2,500	Donation for Santa's House Décor
Net Revenue Adjustment						\$ 2,500	

Expenditures:

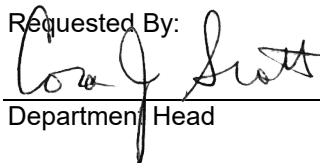
Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	19	20130	501260	000000	00000	\$ 2,500	Operating Supplies - Santa's House Décor
Net Expenditure Adjustment						\$ 2,500	

Fund Balance Appropriation:

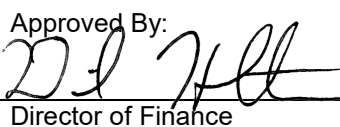
Fund	Title	Amount

Explanation: To amend the FY2023-24 budget and appropriating Donations from Community Foundation of the Ozarks (CFO) for Santa's House Décor for holiday event.

Requested By:


Department Head 2-06-2024
Date

Approved By:


Director of Finance 2-06-2024
Date

Authorization:

Council Bill No. 2024-037
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2024-038 (CARROLL)

FILED: 02/15/2024

ORIGINATING DEPARTMENT: Police

TITLE: A special ordinance authorizing the City Manager, or designee, to accept a grant from the Gary Sinise Foundation, in the amount of \$35,000, to be used by the Springfield Police Department for officer wellness initiatives; and amending the budget of the Police Department.

PURPOSE: To authorize the City Manager, or designee, to accept a grant from the Gary Sinise Foundation in the amount of \$35,000, for the purpose of initiating and supporting employee wellness initiatives and training within the Springfield Police Department.

BACKGROUND INFORMATION: In conjunction with the dedication ceremony for the home provided for retired Springfield Police Officer Mark Priebe, representatives of the Gary Sinise Foundation announced that they would provide a \$35,000 grant to the Springfield Police Department. The Gary Sinise Foundation is a public charity with the mission of honoring defenders, veterans, first responders, their families, and those in need while upholding the importance of keeping our country strong by taking care of those who serve. This foundation provided Retired Officer Mark Priebe with a 100% mortgage-free special adapted smart home to support his mobility and independence after he was severely injured in the line of duty in June of 2020. This Grant will be used for initiating and supporting employee wellness initiatives within the Springfield Police Department, including but not limited to implementing a training program for new recruits and existing employees on mental health and dealing with traumatic events.

Submitted By:

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

Attachments:

1. Gary Sinise Grant _Ord
2. Gary Sinise Foundation Grant BA

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 02-06-24

Sponsored by: Carroll

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-038

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to accept a grant from the Gary Sinise
2 Foundation, in the amount of \$35,000, to be used by the Springfield
3 Police Department for officer wellness initiatives; and amending the
4 budget of the Police Department.
5 _____
6

7 WHEREAS, the Gary Sinise Foundation is a public charity with the mission of
8 honoring defenders, veterans, first responders, their families, and those in need while
9 upholding the importance of keeping our country strong by supporting those who serve;
10 and
11

12 WHEREAS, as part of their mission, the Gary Sinise Foundation provided retired
13 Police Officer Mark Priebe with a mortgage-free special adapted smart home to support
14 his mobility after he was severely injured in the line of duty in June of 2020; and
15

16 WHEREAS, at the dedication ceremony for the home provided to retired Police
17 Officer Mark Priebe, the Gary Sinise Foundation also announced that they would like to
18 provide a grant in the amount of \$35,000 to the Springfield Police Department; and
19

20 WHEREAS, the Grant, if approved, will be used by the Police Department for
21 initiating and supporting employee wellness initiatives, including but not limited to
22 implementing a training program for new recruits and existing employees on mental
23 health and dealing with traumatic events.
24

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

28 Section 1 – The City Manager, or designee, is hereby authorized to accept the
29 Grant from the Gary Sinise Foundation, in the amount of \$35,000, to be used by the
30 Police Department for officer wellness initiatives.
31

32 Section 2 – The budget of the Police Department, for the Fiscal Year 2023-2024,
33 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment

No. 055, a copy of which is attached hereto and incorporated herein by reference as "Exhibit A."

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

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

Section 5 – The City Council expresses its appreciation to the Gary Sinise Foundation for its support of Retired Officer Mark Priebe and for officer wellness initiatives within the Springfield Police Department.

Section 6 – 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

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
055

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
25360	18	92510	416030			\$ 35,000	FY24 Gary Sinise Foundation Grant - Officer Wellness Initiatives
Net Revenue Adjustment						\$ 35,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
25360	18	92510	505690			\$ 35,000	FY24 Gary Sinise Foundation Grant - Officer Wellness Initiatives
Net Expenditure Adjustment						\$ 35,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2023-24 budget by appropriating grant funds from the Gary Sinise Foundation to the Department of Police for officers wellness initiatives.

Requested By:

Paul F. Williams 2-06-2024
Department Head Date

Approved By:

D. J. Hill 2-06-2024
Director of Finance Date

Authorization:

Council Bill No. 2024-038
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date