



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

April 22, 2024

6:30 PM

Regional Police-Fire Training Center
2620 West Battlefield Road
Room 101, 102, and 103

[Rules and procedures.](#)

1. ROLL CALL.

2. APPROVAL OF MINUTES.

- 2.1. Approval of Minutes. April 8, 2024, City Council Meeting, and April 9, 2024, Special City Council Meeting.

3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS.

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

4. CEREMONIAL MATTERS.

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

6. SECOND READING AND FINAL PASSAGE.

Citizens Have Spoken. May Be Voted On.

- 6.1. Council Bill 2024-027 (Simpson)**This item was postponed from the February 26, 2024, City Council Meeting until the April 22, 2024, City Council Meeting.**
A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 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).
- 6.2. Council Bill 2024-059 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.09 acres of property generally located at 2646 West Walnut Street from R-SF, Single-Family Residential District to HC, Highway Commercial District with Conditional Overlay District No. 251; and adopting an updated Official Zoning Map. (By: Seth Holdings, LLC; 2646 W. Walnut Street; Z-9-2024 with Conditional Overlay District No. 251.)

6.3. Council Bill 2024-060 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 9.45 acres of property generally located at the 2200 block of North Belcrest Avenue from HC, Highway Commercial District with Conditional Overlay District No. 226 to HM, Heavy Manufacturing District with Conditional Overlay District No. 250; and adopting an updated Official Zoning Map. (By: 3G Investment Group, LLC; 2200 blk N. Belcrest Avenue; Z-6-2024 with Conditional Overlay District No. 250.)

6.4. Council Bill 2024-061 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.42 acres of property generally located at 1501 and 1505 West College Street and 201 North Nettleton Avenue from HC, Highway Commercial District to IC, Industrial Commercial District; and adopting an updated Official Zoning Map. (By: Lorisa Kirkpatrick LLC; 1501 and 1505 West College Street and 201 North Nettleton Avenue; Z-8-2024.)

6.5. Council Bill 2024-062 (Horton)

A general ordinance amending Chapter 36 of the Springfield City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Division 5, 'Supplemental District Regulations,' Section 36-459, 'Special regulations for retail liquor sales,' for the purpose of requiring additional notices and protest eligibility.

6.6. Amended Council Bill 2024-063 (McGull)

A special ordinance approving the Final Development Plan of Planned Development District No. 303, generally located at 1735 East Valley Water Mill Road. (By: Triple S Properties Inc.; 1735 E Valley Water Mill Road; Final Development Plan – Planned Development 303.)

6.7. Council Bill 2024-064 (Hardinger)

A special ordinance authorizing the payment of a one-time, \$2,000 retention incentive payment for eligible employees in the positions of 911 Telecommunicator, 911 Telecommunicator Lead, and 911 Shift Supervisor.

6.8. Council Bill 2024-065 (Lee)

A special ordinance authorizing the City of Springfield, Missouri, to enter into a Funding, Licensing, and Services Agreement with Ozark Greenways, Inc., a Missouri Nonprofit Corporation, for the purpose of funding the Multi-Trail Gap Planning and Design Project for the not to exceed price of One Hundred Eighty Two Thousand and 00/100 Dollars (\$182,000.00); authorizing the City Manager or designee to execute the same by and

on behalf of the City of Springfield; and amending the FY2023-2024 Adopted Budget by appropriating carryover funds from the FY2022-2023 Adopted Budget and increasing expenses in the amount of One Hundred Eighty Two Thousand and 00/100 Dollars (\$182,000.00).

7. RESOLUTIONS.

Citizens May Speak. May Be Voted On.

7.1. Council Bill 2024-069 (McGull)

A resolution granting a Short-Term Rental Type 2 permit for the property generally located at 3059 North National Avenue, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

7.2. Council Bill 2024-070 (Simpson)

A resolution granting a Short-Term Rental Type 2 permit for the property generally located at 826 East Stanford Street, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

7.3. Council Bill 2024-071 (Simpson)

A resolution granting a Short-Term Rental Type 2 permit for the property generally located at 535 East LaSalle Street, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

7.4. Council Bill 2024-072 (McClure)

A resolution declaring the results of the Special Municipal Election held on April 2, 2024, under the Home Rule Charter of the City of Springfield, Missouri, on the questions of whether to amend City Charter Section 19.16 and to amend City Charter Sections 2.1(1) and 2.6.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS.

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

10.1. Council Bill 2024-073 (Horton)

A special ordinance authorizing the City Manager, or designee, to accept a Natural Resource Damage Assessment and Restoration Grant from the Missouri Department of Natural Resources to fund the Renew Jordan Creek – Main Avenue to Boonville Avenue project; authorizing the City Manager to execute an agreement with the Missouri Department of Natural Resources; as a condition of amending the budget of the Department of Public Works for Fiscal Year 2023-2024 in the amount of \$400,000; and declaring this Ordinance may be passed in one reading pursuant to Sec. 2.16(25) of the City Charter.

10.2. Council Bill 2024-074 (Carroll)

A special ordinance authorizing the City Manager, or designee, to accept a grant from the State of Missouri, Department of Public Safety, in the amount of \$797,798 to expand the Mental Health Co-Responder Program; amending the budget for the Police Department for the Fiscal Year 2023-2024 in the amount of \$797,798; and declaring this Ordinance may be passed in one reading pursuant to Sec.2.16(25) of the City Charter.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING.

13. FIRST READING BILLS.

Citizens May Speak. Not Anticipated To Be Voted On.

13.1. Council Bill 2024-075 (Horton)

A special ordinance to establish and define the boundaries and adopt the plat, plans, specifications, and sealed estimate of construction costs for Sanitary Sewer District No. 111 of Section No. 5 of the main sanitary sewers of the City of Springfield, Missouri, located in the general vicinity of Talmage and Broadway Street; authorizing the City Manager or designee to advertise for bids for the construction of said sewers; providing for how the cost thereof shall be paid; declaring the necessity of acquiring for public use certain interests in land; authorizing the City Manager or designee to conduct good faith negotiations for the purpose of acquiring said necessary interests in land; and authorizing the City Attorney or designee to institute condemnation proceedings if said necessary interests in land cannot be acquired by purchase through good faith negotiations.

13.2. Council Bill 2024-076 (Hosmer)

A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' Article VI, 'Finances,' Division 2, 'Purchasing,' Section 2-401, 'Purchasing Manual adopted,' by revising Section 13-3.104(5)(C) for the purpose of allowing a "Construction Manager at Risk" to advertise and receive bids.

13.3. Council Bill 2024-077 (Horton)

A special ordinance authorizing the City Manager, or designee, to grant a perpetual conservation easement to the Missouri Department of Natural Resources ("MDNR") to protect a portion of City-owned property for the Renew Jordan Creek – Main Avenue to Boonville Avenue project.

13.4. Council Bill 2024-078 (Hardinger)

A special ordinance amending the Fiscal Year 2023-2024 budget of the Springfield-Greene County Health Department in the amount of \$90,800 to re-establish a jail diversion program in partnership with the Springfield Municipal Court.

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

14.1. Chloe Harnar wishes to address City Council.

14.2. Christopher Cross wishes to address City Council.

15. NEW BUSINESS.

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

15.2. The Mayor recommends the following reappointment to the Public Housing Authority: Rusty Worley with term to expire April 11, 2028.

16. UNFINISHED BUSINESS.

17. MISCELLANEOUS.

18. CONSENT AGENDA – FIRST READING BILLS.

19. CONSENT AGENDA – ONE READING BILLS.

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

20.1. Council Bill 2024-066 (Hardinger)

A special ordinance authorizing the City Manager, or designee, to enter into a Cooperative Agreement with the Board of Governors of Missouri State University for the purpose of curating any artifacts or records generated by the archaeological investigation conducted in support of the Renew Jordan Creek project.

21. END OF CONSENT AGENDA.

22. ADJOURN.



City of Springfield

Minutes

City Council

Ken McClure, Mayor

Zone Councilmembers

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

General Councilmembers

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

April 8, 2024

6:30 PM

Regional Police-Fire
Training Center
2620 West Battlefield Road
Room 101, 102, and 103

1. ROLL CALL.

Present: Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Horton, Councilmember McGull, and Mayor McClure. Absent: Councilmember Jenson*.

*Councilmember Jenson arrived at 6:47 p.m.

2. APPROVAL OF MINUTES.

2.1. Approval of Minutes. March 25, 2024, City Council Meeting and March 26, 2024, Special City Council Meeting.

Approval of Minutes. March 25, 2024, City Council Meeting and March 26, 2024, Special City Council Meeting. Mayor Pro Tem Simpson moved to approve the minutes as presented. Councilmember Carroll seconded the motion, and the minutes were approved as presented by the following vote: Ayes: Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Jenson. Abstain: None.

3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS.

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

Councilmember Hosmer asked that Council Bill 2024-068, Item 19.2, be removed from the Consent Agenda. Council Bill 2024-068, Item 19.2, was removed from Consent Agenda - One Reading Bills, and became Item 7.3 under Resolutions.

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

4. CEREMONIAL MATTERS.

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

Jason Gage, City Manager, thanked the voters who supported the proposed City Charter changes. He noted one measure expanded the Mayoral term to four years, which will begin with the next Mayor, elected in 2025. The other measure addressed issues surrounding the code of ethics for employees, City Council, and boards and commissions. Follow-up work was anticipated to be finalized in 90 to 120 days.

Mr. Gage noted the City, in partnership with the Springfield Cardinals and the Hatch Foundation, announced the first-ever stand-alone concert at Hammons Field would take place on Friday, May 31. St. Louis Cardinals legend Adam Wainwright, who just recently released his first music album, and fresh off an appearance at the Grand Ole Opry, would be the headlining musical act. This would be the largest non-baseball event in Hammons Field history. Tickets go on sale to the public April 12 at springfieldcardinals.com.

Mr. Gage noted Clean Green Springfield kicked off on April 1, with city-wide cleanup and disposal activities taking place throughout April and May. Individuals, families, businesses, neighborhoods, and service organizations were invited to participate in one or more opportunities, including roadside trash pickups, stream cleanups, neighborhood cleanups, and more. Nearly 600 people had signed up to participate. He added special disposal opportunities would be offered for items which were difficult for residents to dispose of, including mattresses, tires, and bulky items. Details could be located at cleangreensgf.com.

Mr. Gage noted the City would host a public open house and environmental information meeting for the Renew Jordan Creek Project on Thursday, April 11, at Missouri State University Brick City Gallery (215 W. Mill Street). Attendees would have the opportunity to learn about the upcoming project and estimated timeline for construction. An informational staff presentation on the environmental impacts of the project was provided at 5:30 p.m.

Brock Rowe, Director of Building Development Services, provided a nuisance property report. Mr. Rowe noted Resolution 10722 was passed requiring a nuisance property report be completed. He added there were new owners on the report who had purchased properties to rehabilitate. Mr. Rowe provided an overview of recommendations from the Community Involvement Committee and the Finance and Administration Committee.

He noted the emphasis of the presentation would be on blighted buildings. Mr. Rowe noted eight recommendations from the Nuisance Property Workgroup would be highlighted. The eight recommendations were as follows: repeal the rental registration program; invest in a rental inspection program; multiple Clean Green vouchers; City Council support the shift from complaint based enforcement; lobby to change RSMo 67.410; change mailing requirements for notices; changes to chronic nuisance and substantial completion definitions; effort to facilitate property care team; and Building Development Services be a primary clearing house for community based assistance.

Mr. Rowe noted the rental registration program had been obsolete since 2019. He added the aim was to develop a rental inspection program to ensure safety while being practical and efficient. Mr. Rowe noted they supported bulk item pickups through Clean Green vouchers. He added strategic code enforcement had been charted on a map and a focus was placed on these areas. Mr. Rowe further noted a change to RSMo 67.410 could speed up the process. He added a change to the chronic nuisance definitions could be beneficial. Mr. Rowe noted a property care team would address issues prior to them becoming a nuisance. Mr. Rowe noted the goal of becoming a primary clearing house for assistance would provide additional options for the community.

Mr. Rowe discussed the cost and staffing that would be needed to carry out the recommendations. He noted repeal of the rental registration program could be completed by current staff. Mr. Rowe further noted it would take up to twenty-five additional staff members to enact a rental inspection program, and the costs would vary. He added the Clean Green cost would be up to \$25,000. Mr. Rowe noted a property care team would cost up to \$100,000 and becoming a primary clearing house for assistance would have a varying cost.

Councilmember Horton thanked Mr. Rowe for the presentation. She asked which of the eight recommendations had been included in the upcoming year's budget request. Mr. Rowe responded additional staffing had been included for the property care team. Councilmember Horton asked if any research time or funds to visit communities had been included in the budget request. Mr. Rowe responded they had not been, and research could be conducted via email and phone. Councilmember Horton asked if the rental inspection program would be started from the beginning. Mr. Rowe responded affirmatively.

Councilmember Jenson thanked Mr. Rowe. He expressed his appreciation for staff bringing the information to City Council. Councilmember Jenson asked why the term investigate was used for the rental inspection program. Mr. Rowe responded the program would be subject to City Council approval and would take investigation to determine the best way to approach the program.

Councilmember Hardinger thanked Mr. Rowe for his presentation. She expressed her belief there would be opportunities for benefits to the community.

Councilmember Hosmer thanked Mr. Rowe for his presentation. He asked how long the City had a legislative agenda that included these changes at the State level. Mr. Gage responded since approximately three years ago. He added the mail timeline seemed to be the largest benefit that could be enacted. Councilmember Hosmer expressed his support for a proactive approach.

Councilmember McGull asked if there were currently clean-up resources available for bulk items. Mr. Rowe responded clean-up for items was organized through Clean Green and through neighborhoods.

Mr. Rowe noted the report would be added to their website.

Councilmember Horton expressed her belief that Zone 1 and Zone 2 had chronic issues and the data provided was important to keep individuals informed. Mr. Rowe noted strategic code enforcement would increase the numbers.

6. SECOND READING AND FINAL PASSAGE.

Citizens Have Spoken. May Be Voted On.

6.1. Council Bill 2024-052 (Horton, Jenson)

A special ordinance approving the Commercial-Pacific Street Redevelopment Plan submitted by the Commercial-Pacific Street Redevelopment Corporation for the redevelopment of an area generally located along the south side of the 400-500 blocks of East Commercial Street, the east side of the 1600-1700 blocks of North Jefferson Avenue, and the west side of the 1600-1700 blocks of North Benton Avenue; declaring the area in the Commercial-Pacific Street Redevelopment Plan to be a blighted area and its redevelopment necessary for the preservation of public peace, prosperity, health, safety, morals, and welfare; authorizing certain tax abatement within the area of the Commercial-Pacific Street Redevelopment Plan; and authorizing the City Manager to execute an agreement with the Commercial-Pacific Street Redevelopment Corporation relating to the implementation of the Commercial-Pacific Street Redevelopment Plan.

Councilmember Horton moved to amend Council Bill 2024-052 (Horton, Jenson).

Councilmember Hosmer seconded the motion.

Councilmember Horton explained the motion would approve the Pacific South Project redevelopment plan, declare the Pacific South area to be blighted, and authorize certain tax abatement within the Pacific South area.

Councilmember Jenson expressed his concern regarding the demolition of existing structures. He asked if a blight plan eased the demolition process. Amanda Ohlensehlen, Director of Economic Vitality, responded the processes would be separate actions and approvals. Councilmember Jenson expressed his support for the ordinance as presented.

Councilmember Lee asked if the bill would have to return to the Planning and Zoning Commission if the amendment were to pass. Jordan Paul, City Attorney, responded it would not.

Mayor Pro Tem Simpson clarified the original bill would declare the entire area blighted and approve the redevelopment for the Pacific South project only. Ms. Ohlensehlen responded affirmatively to the blight designation and added the overall redevelopment plan would be approved but would only approve tax abatement for the Pacific South project. Mayor Pro Tem Simpson expressed his support for the existing ordinance.

Councilmember Horton expressed her belief a clause in the amendment would add clarity to the proposed. Mr. Paul noted the amended bill would still approve the Pacific South phase.

Councilmember Hosmer asked if the amendment would still designate the buildings as blighted. Ms. Ohlensehlen responded affirmatively. He asked if Tax Increment Financing (TIF) and tax abatement could overlap. Ms. Ohlensehlen responded they could not. She added a negotiation would occur to buy out the TIF. Ms. Ohlensehlen noted work on other phases would be anticipated to begin within 18 months if approved.

Councilmember Carroll asked if funding for economic planning would be impacted if the area were not determined to be blighted. Ms. Ohlensehlen responded the financial feasibility of the project would have to pass a but for test, and the development may not occur or could lessen without a blight designation.

After discussion, the motion to amend failed by the following vote: Ayes: Councilmember Horton, Councilmember Hosmer, and Councilmember Hardinger. Nays: Councilmember Jenson, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Absent: None. Abstain: None.

Ordinance 27975. Council Bill 2024-052 passed by the following vote: Ayes: Councilmember Jenson, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: Councilmember Horton and Councilmember Hosmer. Absent: None. Abstain: None.

6.2. Council Bill 2024-053 (Jenson)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 3.3 acres of property generally located at 1330 South Kansas Avenue and a portion of 1518, 1512, and 1506 West Meadowmere Street from R-SF, Residential Single-Family District to R-LD, Low-Density Multifamily Residential District with Conditional Overlay District No. 246; and adopting an updated Official Zoning Map. (By: Eoff Land Trust; 1330 South Kansas Avenue; Z-1-2024 with Conditional Overlay District No. 246)

Councilmember Lee recused himself from Council Bill 2024-053 and left the dais.

Anita Cotter, City Clerk, noted a protest petition was received and was found to be insufficient at 11 percent, therefore a supermajority would not be required for passage.

Councilmember Jenson noted a concern for the density of the project was received at the last meeting. He further noted there would be growing pains as the City grows. He requested staff identify opportunities to incorporate planned budgeting in the future.

Ordinance 6846. Council Bill 2024-053 (Jenson) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, and Mayor McClure. Nays: None. Absent: Councilmember Lee. Abstain: None.

Councilmember Lee returned to the dais.

7. RESOLUTIONS.

Citizens May Speak. May Be Voted On.

7.1. Council Bill 2024-055 (Lee)

A resolution accepting the receipt of the Lake Springfield Plan.

Danny Perches, Assistant Director of Economic Vitality, provided a brief overview of the proposed. Mr. Perches noted the proposed would allow for the receipt of the Lake Springfield plan. He added the grant was funded through the Economic Development Administration in the amount of \$800,000. Mr. Perches acknowledged City Utilities, the Hatch Foundation, and City of Springfield. He noted the goals identified for the project as: job creation; strategy for sustainable water quality; infrastructure improvements; adaptive reuse strategy for the James River Power Station; transportation enhancements; active and passive recreational opportunities; and engaging the community in a diverse and multicultural perspective.

Mr. Perches introduced Steve Prange, Senior Vice President, Business Development & Strategy Director for Crawford, Murphy, Tilly, to provide the presentation. Mr. Prange noted the role of City Council through the resolution would be to accept the receipt of the plan. He further noted teams were formed, and several different meetings were held throughout the process. Mr. Prange noted the Five Pillars of engagement were followed. He added there was a five-prong approach to the engagement strategy which included stakeholder outreach, establishment of a core team, a community advisory team, a technical team, and public engagement.

Mr. Prange provided a brief summary of the report presented to City Council. He noted the executive summary highlighted and outlined the plan for the entire 1,000 acres. Mr. Prange added the acreage was split into six zones. Each sub-area was highlighted in the document. Mr. Prange highlighted the following from the document: water quality samples were taken which showed high levels of e-coli; swimming was not recommended for the lake; sediment assessment showed acceptable levels; and a watershed assessment was conducted, and it

was recommended to keep the dam in place. He noted there was only one place to cross the lake which was via the dam. Access from Highway 65 was recommended.

Mr. Prange noted land use and programming would come to City Council in stages throughout the development. He acknowledged a need for event space and noted this would be in the plan. Mr. Prange noted City Utilities had accepted the report. He further noted the next steps would be to find the ownership model and implement fundraising opportunities. Mr. Prange noted they thought boldly for the plan.

Mayor Pro Tem Simpson thanked Mr. Prange for his presentation and the team for their work. He added the plan was a big opportunity.

Councilmember Jenson asked about downstream impacts from dredging. Mr. Prange responded the dredging would be complicated and the eco islands presented in the plan would be part of the plan and structurally engineered to be stable. He added erosion control would be easier with the dam in place. Councilmember Jenson expressed his belief the plan was visionary.

An opportunity was given for citizens to express their views.

Alyssa Lindsay addressed City Council. Ms. Lindsay spoke in opposition to the proposed. Ms. Lindsay expressed her concern with the plan. She expressed her belief water quality issues were most prevalent among citizens. Ms. Lindsay noted water quality measures were not presented. She noted the plan needed to address the eco-system. Ms. Lindsay noted a plan had not been provided for how the silt islands would be built. She asked City Council to consider the environment regarding the proposed plan.

Carol Hutcheson addressed City Council. Ms. Hutcheson asked City Council to table the proposed to allow more time for research of the plan. She expressed her belief there was not sufficient time given for review of the plan.

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

Councilmember Hosmer asked if there was a requirement that the plan be reviewed by environmental groups. Mr. Gage responded not that he was aware of. Councilmember Hosmer clarified the resolution was only the acceptance of the receipt of the report. Mr. Gage responded affirmatively and noted it was a planning document and any expenditure would return to City Council. Councilmember Hosmer asked if there was a deadline that would require a vote that night. Mr. Prange noted the only deadline would be for a grant application deadline required in June.

Resolution 10751. Council Bill 2024-055 (Lee) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

7.2. Council Bill 2024-056 (McClure)

A resolution establishing the Citizens' Commission on Community Investment (CCCI).

Jason Gage introduced the Council Bill. He noted the proposed would allow for the establishment of the Citizens' Commission on Community Investment (CCCI) which would provide input regarding the 3/4-cent Police and Fire Pension Sales Tax. Mayor McClure provided a brief overview of the proposed. He noted the tax had done the job it was intended to do in funding the Police and Fire Pension. He added the ongoing obligation to the pension fund would consist of approximately \$3.5 to \$5 million dollars per year and the tax could also provide for other opportunities. Mayor McClure noted input from the community would be beneficial. He added a recommendation would be provided to City Council by June 30.

An opportunity was given for citizens to express their views.

Paige Oxendine addressed City Council. Ms. Oxendine thanked City Council for their service and their intentionality regarding the sales tax. Ms. Oxendine expressed her belief that such boards and commissions would be an important avenue for citizen engagement.

James Meadows addressed City Council. Mr. Meadows expressed his belief renewal of the tax was a generational opportunity. He added he believed the membership should be mainly rank-and-file Police Officers and Fire Fighters.

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

Mayor Pro Tem Simpson expressed his support for the proposed. He expressed his belief it would be a wise step to ensure citizen input regarding the tax.

Resolution 10752. Council Bill 2024-056 (McClure) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

7.3. Council Bill 2024-068 (Hosmer)

A resolution confirming the appointment of David Holtmann and the reappointment of Martin Gugel and Rob Haik to the SGF Sports Community Improvement District Board of Directors.

Council Bill 2024-068 was removed from Consent Agenda - One Reading Bills as Item #19.2 and became Item #7.3 under Resolutions.

Councilmember Hosmer asked if there had been any additional development at the location of the sports complex and the length of time the Community Improvement District lasts.

Amanda Ohlensehlen, Director of Economic Vitality, responded there had not been any additional development, but plans are being worked on to bring additional development to the area. Ms. Ohlensehlen noted she would have to review the terms of the Community Improvement District regarding bringing additional revenue to the City.

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

Resolution 10753. Council Bill 2024-068 (Hosmer) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS.

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

10.1. Council Bill 2024-057 (Horton)

A special ordinance authorizing the City Manager, or designee, to enter into a Surface Transportation Block Grant Program Agreement with the Missouri Highways and Transportation Commission for the purpose of funding construction of a larger, replacement bridge on Main Avenue over Jordan Creek; amending the Fiscal Year 2023-2024 budget of the Department of Public Works in the amount of \$6,000,000 to appropriate federal Surface Transportation Block Grant Program funds; and declaring that this Ordinance qualifies for approval in one reading pursuant to City Charter Section 2.16(25).

King Coltrin, Professional Engineer, provided a brief overview of the proposed. Mr. Coltrin noted the proposed would allow the City to enter into a Surface Transportation Block Grant Program Agreement with the Missouri Highways and Transportation Commission for the purpose of funding construction of a larger, replacement bridge on Main Avenue over Jordan Creek. He added the bridge was rated deficient.

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

Ordinance 27976. Council Bill 2024-057 (Horton) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

10.2. Council Bill 2024-058 (McGull)

A special ordinance authorizing the City Manager, or designee, to enter into a Transportation Enhancements Funds Program Agreement with the Missouri Highways and Transportation Commission for the purpose of constructing a 10' trail along LeCompte Road from Eastgate Avenue and Division Street north to the BNSF Railroad; amending the Fiscal Year 2023-2024 budget in the amount of \$400,000 to appropriate the Transportation Enhancement Program funds; and declaring that this Ordinance qualifies for approval in one reading pursuant to City Charter Section 2.16(25).

King Coltrin, Professional Engineer, provided a brief overview of the proposed. Mr. Coltrin noted the proposed would allow the City to enter into a Transportation Enhancements Funds Program Agreement with the Missouri Highways and Transportation Commission for the purpose of constructing a 10-foot trail along LeCompte Road from Eastgate Avenue and Division Street north to the BNSF Railroad. He added a grant was received for the funding.

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

Ordinance 27977. Council Bill 2024-058 (McGull) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

Mayor McClure called for recess at 8:45 p.m. Mayor McClure reconvened the meeting at 8:55 p.m.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING.

Citizens May Speak. Not Anticipated To Be Voted On.

12.1. Council Bill 2024-059 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.09 acres of property generally located at 2646 West Walnut Street from R-SF, Single-Family Residential District to HC, Highway Commercial District with Conditional Overlay District No. 251; and adopting an updated Official Zoning Map. (By: Seth Holdings, LLC; 2646 W. Walnut Street; Z-9-2024 with Conditional Overlay District No. 251.)

Daniel Neal, Senior City Planner, provided a brief overview of the proposed. Mr. Neal noted the request was to rezone a 25-foot strip of property located at 2646 West Walnut Street to Highway Commercial. He added the rezoning would allow for commercial expansion. The placetype allowed for low density commercial uses, and a full bufferyard would be required.

Councilmember Hosmer asked if a property with a width of 25 feet could be built on. Mr. Neal responded the property was part of another lot to the west which was a split-zone lot.

An opportunity was given for citizens to express their views.

Rick Wilson noted the rezoning would allow them to not have to buffer against their own residential property. He added the rezoning would allow for better use of the property.

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

12.2. Council Bill 2024-060 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 9.45 acres of property generally located at the 2200 block of North Belcrest Avenue from HC, Highway Commercial District with Conditional Overlay District No. 226 to HM, Heavy Manufacturing District with Conditional Overlay District No. 250; and adopting an updated Official Zoning Map. (By: 3G Investment Group, LLC; 2200 blk N. Belcrest Avenue; Z-6-2024 with Conditional Overlay District No. 250.)

Daniel Neal, Senior City Planner, provided a brief overview of the proposed. Mr. Neal noted the rezoning would allow for rezoning of 9.45 acres located at the 2200 block of North Belcrest Avenue to Heavy Manufacturing District. He added there was a desire to rezone to sell the property as zoned for industrial use. Mr. Neal noted the property was located near Kearney Street Highway 65.

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

12.3. Council Bill 2024-061 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.42 acres of property generally located at 1501 and 1505 West College Street and 201 North Nettleton Avenue from HC, Highway Commercial District to IC, Industrial Commercial District; and adopting an updated Official Zoning Map. (By: Lorisa Kirkpatrick LLC; 1501 and 1505 West College Street and 201 North Nettleton Avenue; Z-8-2024.)

Michael Sparlin, Senior City Planner, provided a brief overview of the proposed. Mr. Sparlin noted the proposed would allow rezoning of 0.42 acres of property located at 1501 and 1505 West College Street and 201 North Nettleton Avenue to Industrial Commercial District. He added the rezoning would allow for a distillery and other commercial retail uses.

12.4. Council Bill 2024-062 (Horton)

A general ordinance amending Chapter 36 of the Springfield City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Division 5, 'Supplemental District Regulations,' Section 36-459, 'Special regulations for retail liquor sales,' for the purpose of requiring additional notices and protest eligibility.

Daniel Neal provided a brief overview of the proposed. Mr. Neal noted the proposed would allow an amendment to Chapter 36 to allow occupants or tenants to be notified of sales of retail liquor within 200 feet of their property to allow time for a protest petition to be filed if desired. He added the notices could not be mailed on the first day of the posting as they had to be reviewed by the Law Department. The notification process would be changed to mail notices three days prior to the posting.

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

12.5. Council Bill 2024-063 (McGull)

A special ordinance approving the Final Development Plan of Planned Development District No. 303, generally located at 1735 East Valley Water Mill Road. (By: Triple S Properties Inc.; 1735 E Valley Water Mill Road; Final Development Plan – Planned Development 303.)

Michael Sparlin, Senior City Planner, provided a brief overview of the proposed. Mr. Sparlin noted the proposed would allow for approval of the Final Development Plan of Planned Development District No. 303, generally located at 1735 East Valley Water Mill Road. He added the property was rezoned in 2006 and had remained undeveloped land. An amendment to the final plan was provided to City Council.

Councilmember McGull moved to amend Council Bill 2024-063 to replace the map, Exhibit C, page 7, and adding a new map as Exhibit 1. Mayor Pro Tem Simpson seconded the motion, and it was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

Mayor McClure asked if the amendment was substantive. Mr. Paul responded the public hearing would be open at the next meeting for the amendment only.

An opportunity was given for citizens to express their views.

Bruce Stidham addressed City Council. Mr. Stidham, a representative of the neighborhood, read a statement. He noted the new development was only learned about on March 11, 2024. Mr. Stidham further noted there was a substantial forest with native trees on the property. He added wildlife had a habitat in the trees. Mr. Stidham expressed the neighbors' concern that the three-story complex would upset the neighbors' privacy, and the placement of the pool at the complex was a concern. Mr. Stidham noted the residents were not opposed to new housing but would prefer the development be respectful of the wildlife and the existing neighborhood.

Councilmember Lee asked when most of the trees were removed. Mr. Stidham responded in 2023. Councilmember Lee noted there were erosion control measures which account for bats and there are certain times of the year that trees can be removed.

Tim Schowe, a representative of the developer, addressed City Council. Mr. Schowe noted there were three buildings that would each be three stories tall. He added there were 72 units that comply with the planned development regulations. He noted signage was provided. Mr. Schowe noted there would be a buffer on the rear and east side of the property that would meet City requirements. He further noted the apartments on the east side of the property would be fifty feet from the east property line.

Councilmember Hosmer asked for confirmation the Planned Development was approved in 2006. Mr. Schowe responded affirmatively. Councilmember Hosmer asked the length of time a planned development stays in place. Mr. Gage responded indefinitely because it was a zoning action. Councilmember Hosmer asked if there was any other way to shield the neighbors from the apartments. Mr. Schowe responded they are proposing adding trees.

Rebecca Choate, a neighborhood member, addressed City Council. Ms. Choate noted there was already a large apartment complex across the street. She expressed her belief the added traffic would be an issue.

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

13. FIRST READING BILLS.

Citizens May Speak. Not Anticipated To Be Voted On.

13.1. Council Bill 2024-064 (Hardinger)

A special ordinance authorizing the payment of a one-time, \$2,000 retention incentive payment for eligible employees in the positions of 911 Telecommunicator, 911 Telecommunicator Lead, and 911 Shift Supervisor.

Rochelle Yoap, Assistant Director of Human Resources, provided a brief overview of the proposed. Ms. Yoap noted the proposed would authorize a one-time retention incentive payment of \$2,000 for eligible employees in the positions of 911 Telecommunicator, 911 Telecommunicator Lead, and 911 Shift Supervisor. She added the 911 industry had experienced recruitment and retention challenges. The incentive, if approved, would apply to the May 9, 2024, paycheck. The incentive would be funded by the 911 sales tax.

Councilmember Hosmer asked if the County would pay any part of the incentive. April Ford, Director of Emergency Communications, responded the incentive would be paid straight from the 911 sales tax.

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

13.2. Council Bill 2024-065 (Lee)

A special ordinance authorizing the City of Springfield, Missouri, to enter into a Funding, Licensing, and Services Agreement with Ozark Greenways, Inc., a Missouri Nonprofit Corporation, for the purpose of funding the Multi-Trail Gap Planning and Design Project for the not to exceed price of One Hundred Eighty Two Thousand and 00/100 Dollars (\$182,000.00); authorizing the City Manager or designee to execute the same by and on behalf of the City of Springfield; and amending the FY2023-2024 Adopted Budget by appropriating carryover funds from the FY2022-2023 Adopted Budget and increasing expenses in the amount of One Hundred Eighty Two Thousand and 00/100 Dollars (\$182,000.00).

David Holtmann, Director of Finance, provided a brief overview of the proposed. Mr. Holtmann noted the proposed would authorize \$182,000, the final portion of the Fiscal Year 2023 carryover funds, to be utilized to contract with Ozark Greenways for trail development.

Mayor Pro Tem Simpson asked if there would be opportunity for changes to terms of the agreement after passage. Mr. Paul responded there would be opportunity for flexibility of some dates in the proposed.

Councilmember Jenson asked what the anticipated grant submission and award date would be. Mr. Holtmann responded the City would enter into the contract and Ozark Greenways would draw upon the funds as expenses came in. He further noted the timeline for procuring engineering services was generally 60 to 90 days. Councilmember Jenson expressed his concern with the timeline. Mr. Paul noted Ozark Greenways would have a year to incur costs and a year-and-a-half to expend funds.

An opportunity was given for citizens to express their views.

Mary Kromrey addressed City Council. Ms. Kromrey noted Ozark Greenways was supported of the partnership. She added the proposed would allow 3.1 miles of trail to be shovel ready. Ms. Kromrey noted, once constructed, the trails would be just shy of 19 miles of connected trails. She added Ozark Greenways would also need to be awarded the funds from Ozarks Transportation Organization, and this award was anticipated to occur in June.

Councilmember Jenson asked if the project would also have to undergo an environmental review due to receiving federal funding. Ms. Kromrey responded affirmatively.

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

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

14.1. Tim Trafford wishes to address City Council.

Tim Trafford addressed City Council. Mr. Trafford noted he had lived in the same duplex for 21 years. He added in January it was determined he had a septic tank but had been paying sewer on his utility bill for the past 21 years. Mr. Trafford further noted the owners of the property were required to hook up to City sewer but did not comply. He added he received a partial refund of five years. Mr. Trafford expressed his concern that inspections never revealed he was on a septic system and that there was no clean out-line on his property. He questioned why there was no policy in place to ensure property owners would comply with sewer connection. He noted his concern that he was charged for services he did not receive.

Councilmember Hosmer asked if the owner hooked up to the City system. Mr. Trafford responded not until January 25 of this year.

Mayor McClure asked Mr. Trafford if he knew he was not hooked to the City system. Mr. Trafford responded he did not know. He noted there was no pipe that would indicate this.

Councilmember Hosmer asked what the City policy was for these types of situations. Ron Petering, Assistant Director of Environmental Services, responded the City followed State regulations. He noted for under-billing the reimbursement goes back one year, and for over-billing the reimbursement goes back five years. Councilmember Hosmer expressed his belief the over-billing policy seemed unfair for an individual who was over-billed for services not received. Mr. Petering noted Mr. Trafford's residence was in the County. He noted a base amount was charged for services.

Councilmember Lee asked the City process to remedy the overpayment situation. Mr. Paul responded the issue would be treated like a claim and addressed in closed session. Mr. Gage responded the questions include whether there needed to be changes to the policy.

14.2. H. Wes Pratt wishes to address City Council.

Wes Pratt, a representative of the Multi-Cultural Business Association, addressed City Council. Mr. Pratt requested the Mayor and City Council support the establishment of housing as a City priority. He asked for the development of a Housing Trust Fund to address the growing housing needs in the community. Mr. Pratt expressed his belief a Housing Trust Fund could be a significant component to providing housing for Springfield residents.

Councilmember Horton thanked Mr. Pratt for speaking. Ms. Horton asked for reasonable first steps to a Housing Trust Fund. Mr. Pratt responded the establishment of a housing task force would be the first step.

15. NEW BUSINESS.

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

15.2. The City Manager recommends the following appointment to the Board of Adjustment: Natalee Stinson with term to expire January 1, 2029. Recommended.

16. UNFINISHED BUSINESS.

17. MISCELLANEOUS.

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

18.1. Council Bill 2024-066 (Hardinger)

A special ordinance authorizing the City Manager, or designer, to enter into a Cooperative Agreement with the Board of Governors of Missouri State University for the purpose of curating any artifacts or records generated by the archaeological investigation conducted in support of the Renew Jordan Creek project.

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

19.1. Council Bill 2024-067 (Hardinger)

A resolution confirming the appointment of David Lewis and Misty Ware and the reappointment of Brad Fisher and Joe Reynolds to the Southern Hills Community Improvement District Board of Directors.

Resolution 10754. Council Bill 2024-067 (Hardinger) was approved by the following vote: Ayes: Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simspon, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Jenson. Abstain: None.

19.2. Council Bill 2024-068 (Hosmer)

A resolution confirming the appointment of David Holtmann and the reappointment of Martin Gugel and Rob Haik to the SGF Sports Community Improvement District Board of Directors.

Council Bill 2024-068 was removed from Consent Agenda - One Reading Bills as Item #19.2 and became Item #7.3 under Resolutions.

20. CONSENT AGENDA – SECOND READING BILLS.

21. END OF CONSENT AGENDA.

22. ADJOURN.

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

April 9, 2024
Springfield, Missouri

The City Council met in special session on April 9, 2024, in the Councilman Denny Wayne Conference Room on the 4th Floor of the Busch Municipal Building. The meeting was called to order by Mayor Pro Tem Simpson.

Roll Call

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

Closed Session

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

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

Prepared by
Michelle Brown

Anita J. Cotter, CMC/MRCC
City Clerk

EXPLANATION TO COUNCIL BILL 2024-027 (SIMPSON) THIS ITEM WAS POSTP

FILED: 02/28/2024

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

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.

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

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

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

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

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

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

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

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

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: U. Mac, Assistant City Attorney

Approved for Council action: Christi Chase, 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

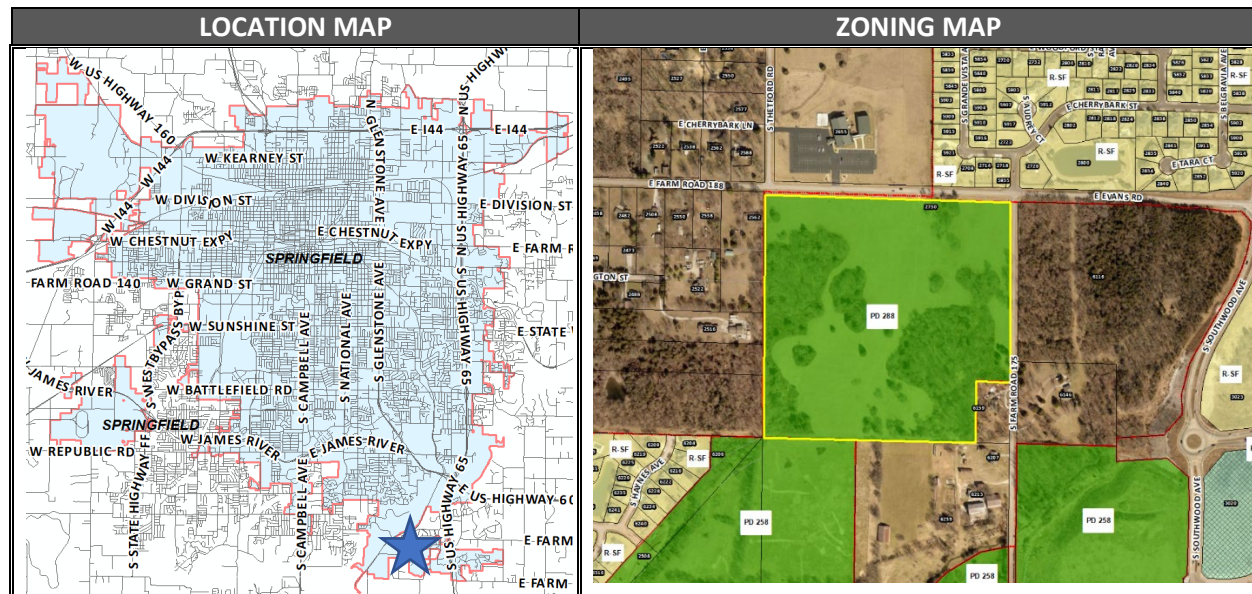
DEVELOPMENT REVIEW STAFF REPORT

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).

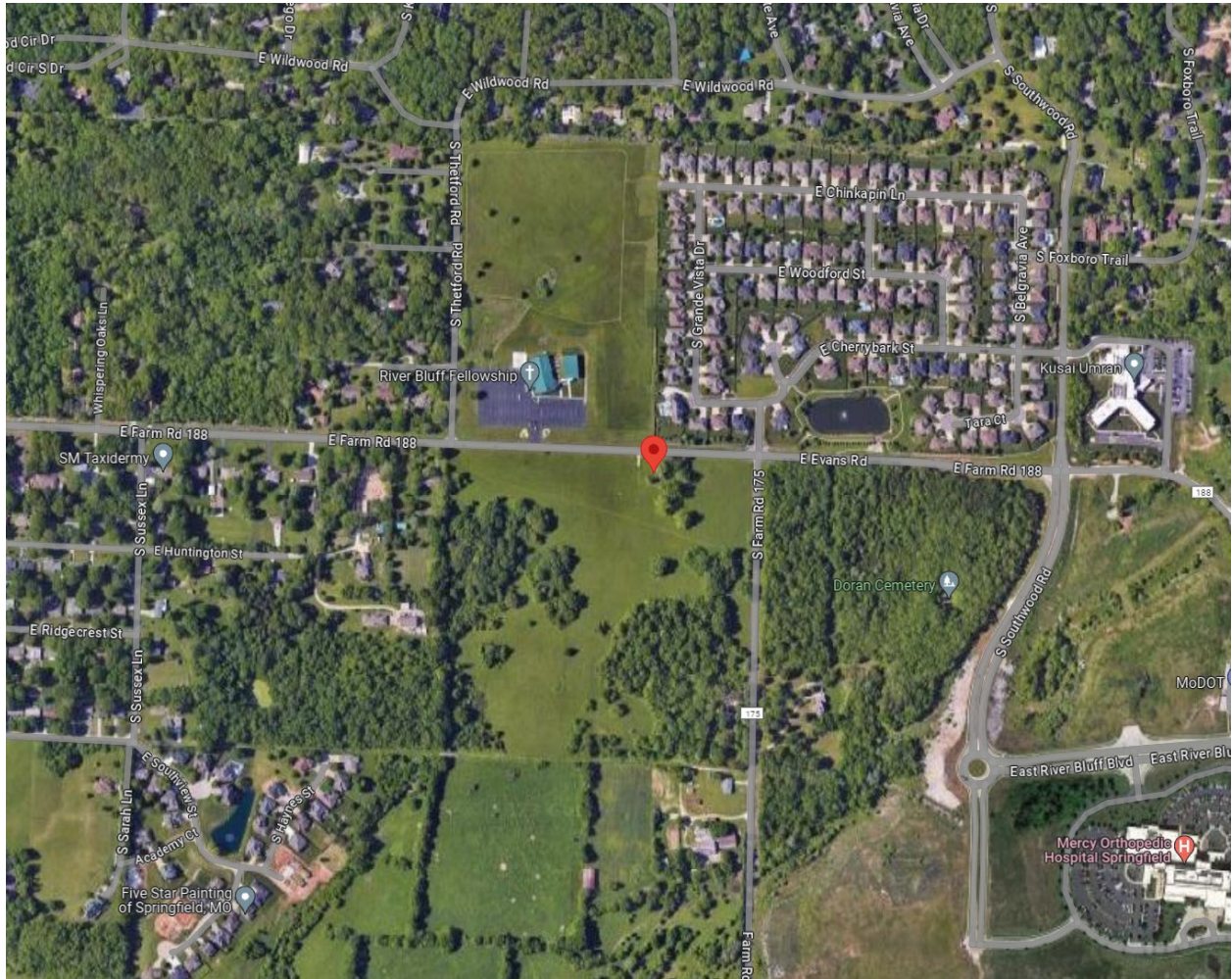
PROJECT SUMMARY:

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

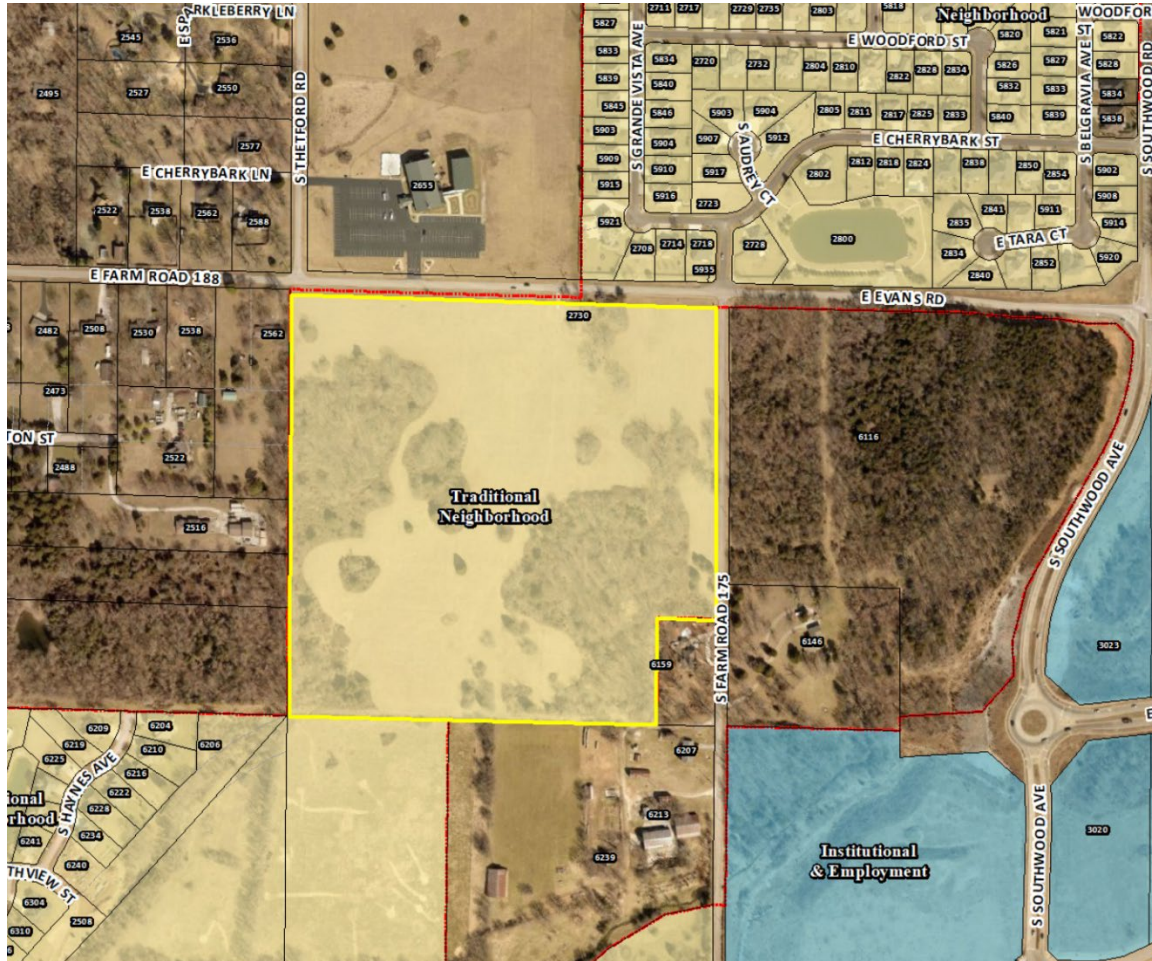
- Vehicular driveways are provided for each home and are accessed almost exclusively from the front or side street, limiting on-street parking opportunities.
- Neighborhoods are often self-regulated by covenants that limit use, size, and design of structures, as well as care and use of private amenities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

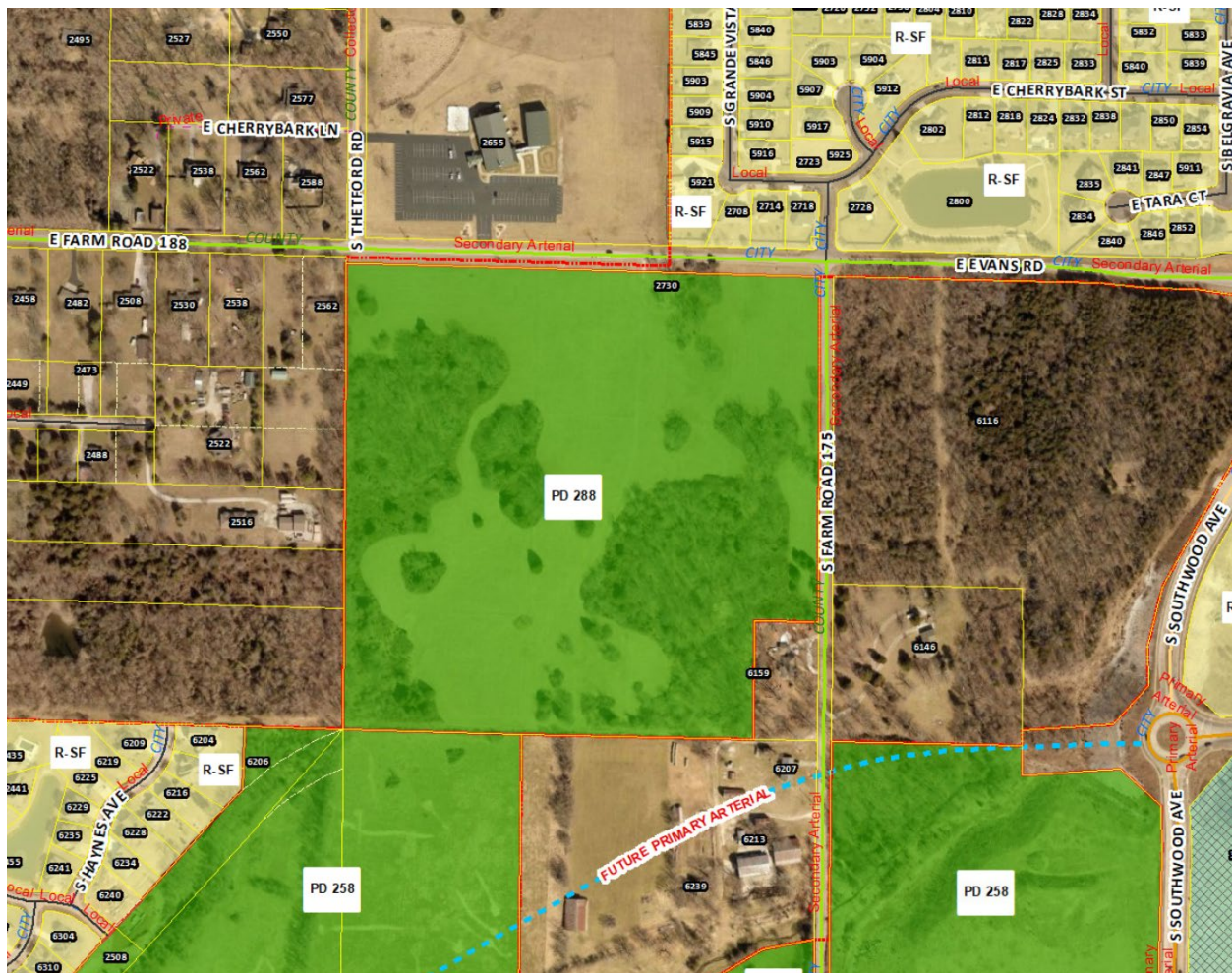
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **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.

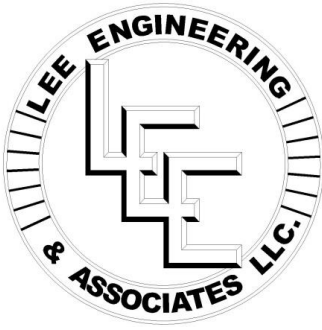
8. List or attach the written comments and how you plan to address any issues:

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.

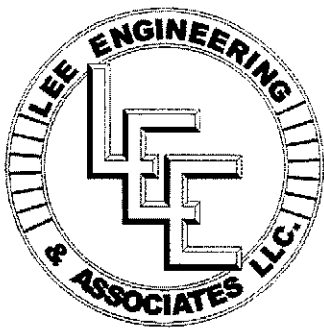
If you have any questions or need additional information, please contact our office. Thank you.

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.

CIVIL ENGINEERING & DESIGN

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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

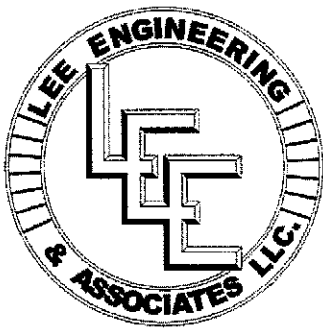
NAME	ADDRESS	PHONE
John Walker	6163 S Farm Road 175	417 543 3559

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
townhomes 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 Korlov



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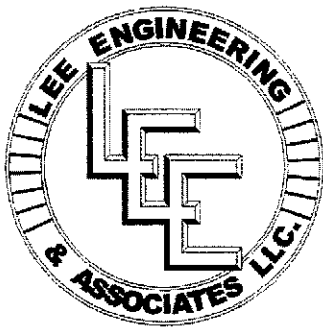
NAME	ADDRESS	PHONE
Kay Donovan	2808 E. ChinKapin	576-3662

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



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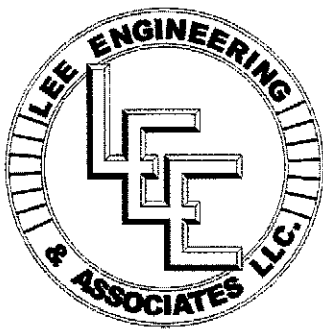
Wednesday, December 20, 2023

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

NAME	ADDRESS	PHONE
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.



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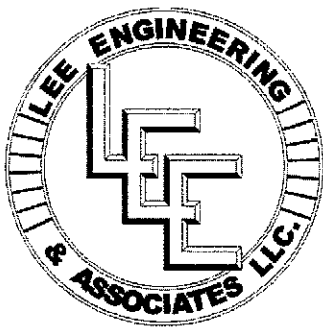
Wednesday, December 20, 2023

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

NAME	ADDRESS	PHONE
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.



LEE ENGINEERING AND ASSOCIATES, L.L.C.

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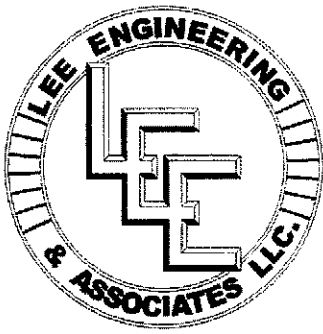
NAME	ADDRESS	PHONE
John Walker	6163 S Farm Rd 175	417 543-3599

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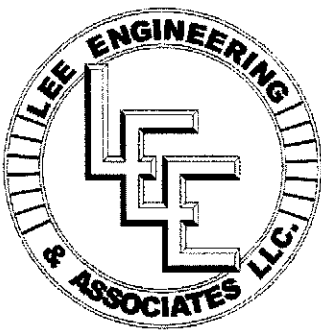
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Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

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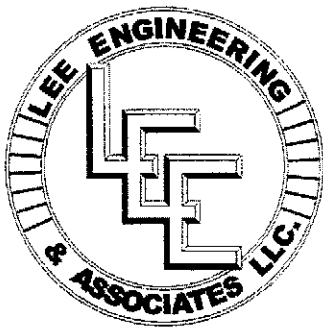
Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

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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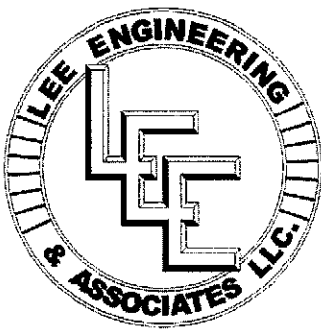
Wednesday, December 20, 2023

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?



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

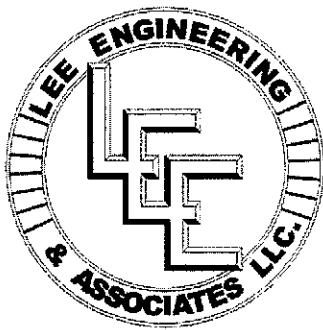
Wednesday, December 20, 2023

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

NAME	ADDRESS	PHONE
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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COMMENT SHEET

Neighborhood Meeting

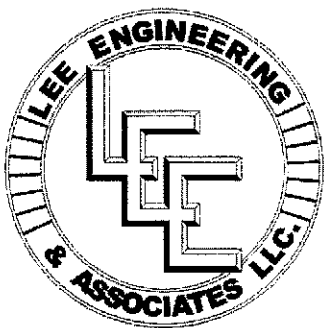
Wednesday, December 20, 2023

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

NAME	ADDRESS	PHONE
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.



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COMMENT SHEET

Neighborhood Meeting

Wednesday, December 20, 2023

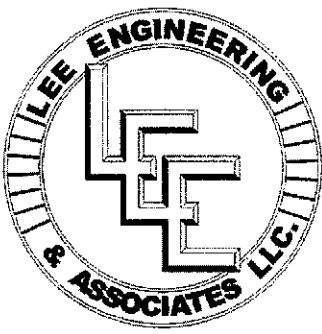
Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

NAME	ADDRESS	PHONE
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

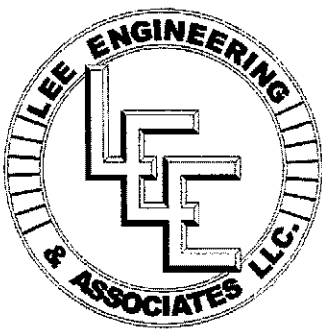
Neighborhood Meeting

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

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TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9936 • dlee@leeengineering.biz

COMMENT SHEET

Neighborhood Meeting

Wednesday, December 20, 2023

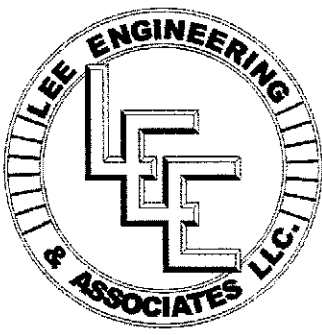
Re: Rezone from Planned Development to Single Family Residential
2720 E FR 188
Ozark, MO 65721

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.

CIVIL ENGINEERING & DESIGN

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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
RANDOLPH A. LATA	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 2024-059 (HORTON)

FILED: 04/15/2024

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 0.09 acres of property generally located at 2646 West Walnut Street from R-SF, Single-Family Residential District to HC, Highway Commercial District with Conditional Overlay District No. 251; and adopting an updated Official Zoning Map. (By: Seth Holdings, LLC; 2646 W. Walnut Street; Z-9-2024 with Conditional Overlay District No. 251.)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.09 acre of property generally located at 2646 West Walnut Street from R-SF, Single-Family Residential District to HC, Highway Commercial District and establishing Conditional Overlay District No. 251. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-9-2024/ CONDITIONAL OVERLAY DISTRICT NO. 251

The applicant is requesting to rezone the subject property generally located at 2646 West Walnut Street from R-SF, Single-Family Residential District to HC, Highway Commercial District and establishing Conditional Overlay District No. 251. The applicant is proposing to combine HC zoned lots to allow for commercial expansion along Scenic Avenue.

REMARKS: The Planning and Zoning Commission held a public hearing on March 14, 2024, and recommended to approve, by a vote of 7 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. *The Comprehensive Plan's Land Use & Development chapter* identifies the subject property as the Traditional Neighborhood placetype. This placetype includes areas that 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 yard. The property is proposed to allow HC, Highway Commercial District uses so this would

allow for expansion of a low-intensity neighborhood commercial use which is a supporting use in this placetype.

2. The Traditional Neighborhood place type supports low-intensity, neighborhood commercial. This application is attempting to expand the commercial uses that will primarily be located off Scenic Avenue. This property is on the edge of the placetype and is adjacent to properties that have frontage along Scenic Avenue, which is a secondary arterial roadway.

3. The proposed Highway Commercial District is consistent with the goals and objectives of the Traditional Neighborhood placetype in this location.

4. The applicant is proposing a Conditional Overlay District to provide full bufferyard along the east and south bordering properties and require a combination of lots along Scenic and Walnut which are all owned by the same property owner.

5. The subject property is in an area that has other retail and office uses that take advantage of access to Scenic Avenue, which is an arterial roadway.

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 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 will 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. The property will be half HC and half R-SF, so only uses that are allowed in both would be permitted. This could create significant development issues.



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-9-2024 COD 251 - 2646 W. Walnut Street_ord
2. COD_exhA
3. Legal Description_exhB
4. ROP_exhC
5. Staff Report_exhD

One-rdg. _____
P. Hrngs. X
Pgs. 23
Filed: 04-02-24

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-059

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 0.09 acres of property generally located at 2646 West Walnut
4 Street from R-SF, Single-Family Residential District to HC, Highway
5 Commercial District with Conditional Overlay District No. 251; and
6 adopting an updated Official Zoning Map.
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 2646 West Walnut Street from R-SF, Single-Family Residential
11 District to HC, Highway Commercial District, with Conditional Overlay District No. 251;
12 and
13

14 WHEREAS, Conditional Overlay District No. 251 shall modify the requirements of
15 the Springfield Land Development Code Section 36-422, Highway Commercial District,
16 by requiring that the property described in "Exhibit B" comply with the requirements
17 described in "Exhibit A" attached herein; and
18

19 WHEREAS, following proper notice, the Planning and Zoning Commission held a
20 public hearing on March 14, 2024, a copy of the Record of Proceedings from said public
21 hearing being attached hereto and incorporated herein by this reference as "Exhibit C,"
22 and said Commission made its recommendation; and
23

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

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

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

34 Section 1 – The property described in "Exhibit B," which is attached hereto and
35 incorporated herein by this reference, is hereby rezoned from R-SF, Single-Family
36 Residential District to HC, Highway Commercial District with Conditional Overlay District
37 No. 251. Springfield Land Development Code, Section 36-306, 'Official zoning map and
38 rules for interpretation,' is hereby amended, changed, and modified consistent with this
39 Ordinance.

40
41 Section 2 – City Council hereby establishes Conditional Overlay District No. 251,
42 which shall contain the requirements and standards provided in "Exhibit A," which is
43 attached hereto and incorporated herein by this reference as though set forth herein.
44 The requirements of Conditional Overlay District No. 251 shall modify the requirements
45 of the Springfield Land Development Code Section 36-422, Highway Commercial
46 District, by requiring the property described in "Exhibit B" to comply with the
47 requirements contained in "Exhibit A."

48
49 Section 3 – City Council hereby directs the City Manager, or designee, to update
50 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
51 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
52 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
53 rules of interpretation.'

54
55 Section 4 – The Official Zoning Map herein adopted shall be maintained and
56 archived in the same digital form in which this Council has approved its adoption.

57
58 Section 5 – This Ordinance shall be in full force and effect from and after
59 passage.

60
61 Passed at meeting: _____

62
63 _____
64 Mayor

65
66 Attest: _____, City Clerk

67
68 Filed as Ordinance: _____

69
70 Approved as to form: Laura Vales, Assistant City Attorney

71
72 Approved for Council action: Jason A. Hays, City Manager
73
74

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-9-2024 COD 251

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. The use of the narrow or shallow lot exemption provisions of Section 36- 482(16) for the required bufferyards of the proposed rezoning district shall not be allowed.
2. The subject property will need to be combined with the property at 2646 W. Walnut Street and 410 S. Scenic Avenue following the Subdivision Regulations.

EXHIBIT B

LEGAL DESCRIPTION

A STRIP OF LAND DESCRIBED AS FOLLOWED: THE WEST HALF (25 FEET) OF LOT 7, BLOCK 10, IN WESTPORT ADDITION, AN ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

EXHIBIT C

**RECORD OF PROCEEDINGS
Planning and Zoning Commission – March 14, 2024**

Z-9-2024 COD 251
2646 West Walnut Street
Applicant: Seth Holdings, LLC

Mr. Neal stated that this is a request to rezone approximately 0.09 acre of property from R-SF, Single-Family Residential District to HC, Highway Commercial District and establishing Conditional Overlay District No. 251.

Mr. Colony asked if it was split into its own lot. Mr. Neal noted that it can be a split zoned lot and that it may have occurred during the annexation.

Discussion on the lot and rezoning with the additional 25 feet being dedicated for the buffer zone.

Mr. Rick Wilson, 1835 S. Stewart stated that they don't want to buffer against their own property and the plan is to redevelop the land for an area food eating establishment and want to protect the neighborhood.

Mr. Colony believes this would be a great idea.

Mr. Knuckles closed the public hearing.

COMMISSION ACTION:

Planning and Zoning Commission Board Member Scott moved to approve Z-9-2024 COD 251, Commissioner Colony seconded the motion. It **Passed** with the following vote. Ayes: Commissioner Gunther, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles, Commissioner Doennig. Nays: None. Absent: Commissioner Ridge and Commissioner Broekhoven. Abstain: None.



Bob Hosmer, AICP
Planning Manager

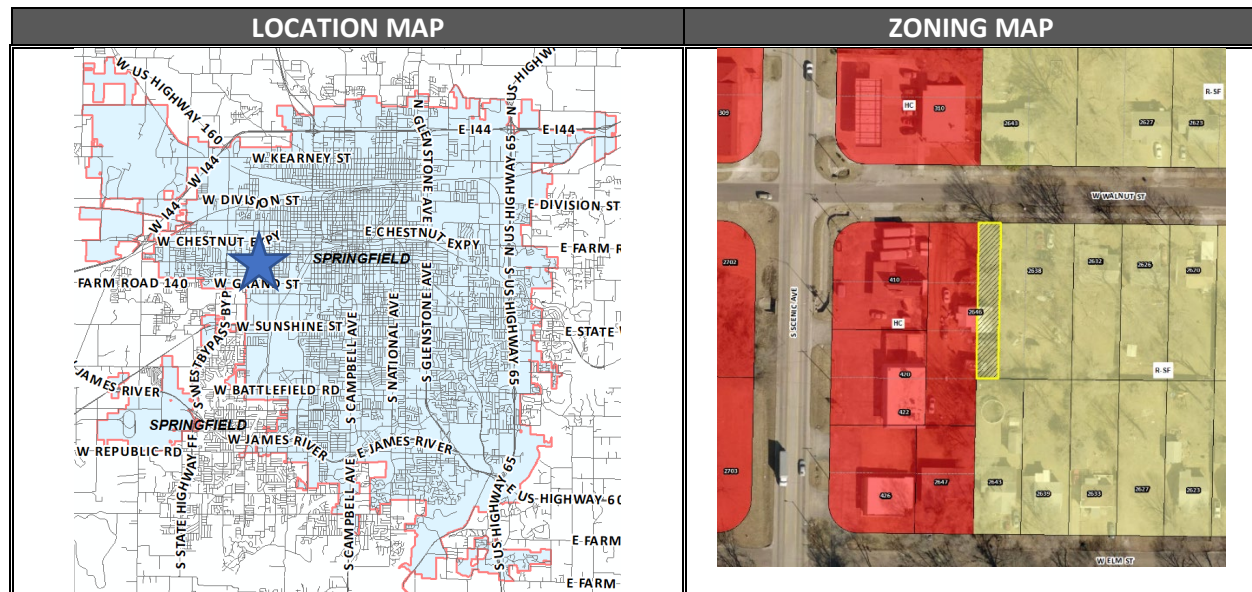
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-9-2024 with Conditional Overlay District No. 251
Location:	2646 W. Walnut Street
Total Acres:	0.09 acre
Applicant:	Seth Holdings, LLC
Existing Land Use:	Single-family residence
Neighborhood Meeting:	February 20, 2024
Planning and Zoning Commission:	March 14, 2024
City Council:	April 8, 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-9-2024 with Conditional Overlay District No. 251 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).

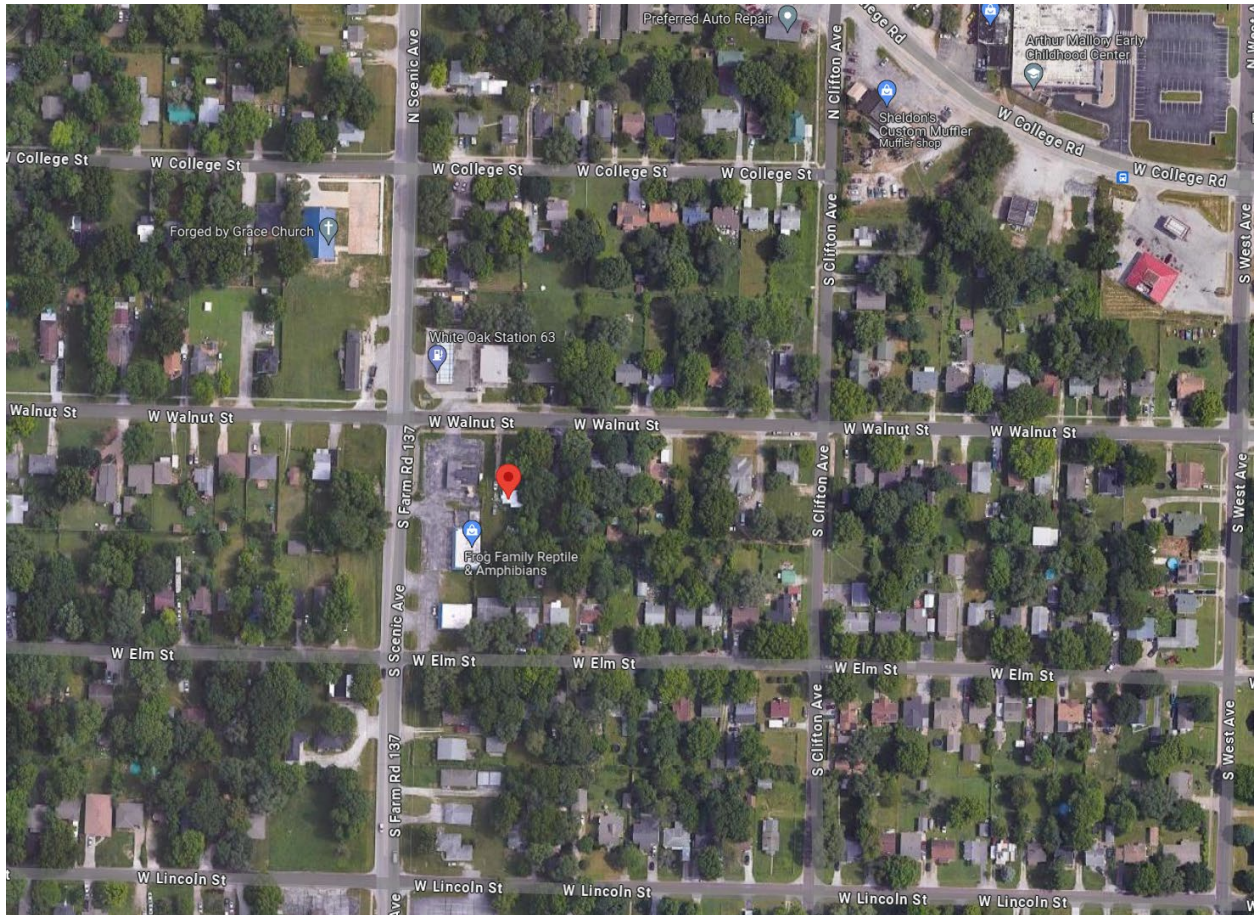
PROJECT SUMMARY:

Request to rezone approximately 0.09 acre of property generally located at 2646 West Walnut Street from R-SF, Single-Family Residential District to HC, Highway Commercial District and establishing Conditional Overlay District No. 251.

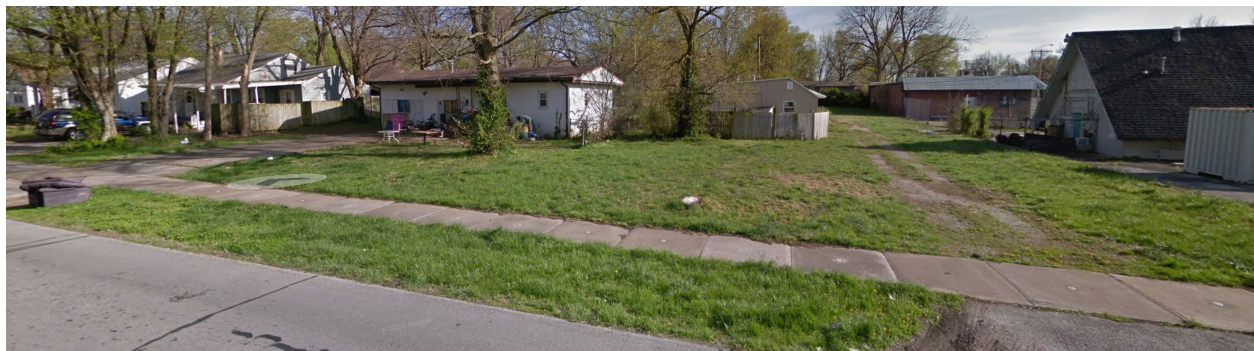


DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property has been zoned R-SF, Single-Family Residential 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 as the Traditional neighborhood 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.

Redevelopment of traditional single-family residential housing for higher-density housing or commercial should be limited to areas adjacent to identified activity centers, where circulation and access will not negatively affect the adjoining neighborhood.

LAND USES PRIMARY USES

- Single-family detached

SUPPORTING USES

- Single-family attached
- Low-intensity multifamily

DEVELOPMENT REVIEW STAFF REPORT

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

CHARACTERISTICS TRANSPORTATION & INFRASTRUCTURE

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

URBAN DESIGN - BUILDING AND SITE TYPOLOGY

- 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

DEVELOPMENT REVIEW STAFF REPORT

- 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.
- 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 & Vocational Schools	Government, Colleges & Institutional Facilities	Personal Services, Outdoor Sales & Service	Light Industry	Warehouse & Distribution Facilities
Residential Neighborhood	●	○	◇	○	◇	◇	○							
Mixed Residential	●	●	○	◇	◇	◇	○							
Downtown	●	●	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor		○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center		○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex			○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics			○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation		●	●	○										

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

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

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

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-SF	HC
LAND USE	Single-family residence	Single-family residence	Single-family residence	Retail/office uses
PLACETYPES	Traditional Neighborhood	Traditional Neighborhood	Traditional Neighborhood	Traditional Neighborhood

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 objection to the rezoning. Both existing properties have access to public sewer and are in a sewer district.

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. Walnut St	Local	City	30	30	NA	Yes	Yes	Yes
Street 2	S. Scenic Avenue	Secondary Arterial	City	35	40	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 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:

DEVELOPMENT REVIEW STAFF REPORT

SITE DESCRIPTION & DRAINAGE PATTERN

The property is in the **Upper Wilsons 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 dependent on further analysis of the surrounding stormwater infrastructure and downstream impacts**.

PW Stormwater has no concerns for the proposed rezoning from R-SF 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

1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. The only exception to building detention is a Fee in Lieu of detention application per the City of Springfield Code and the manual dependent on approvable by the Director of Public Works.

WATER QUALITY REQUIREMENTS

N/A

FLOODPLAIN

N/A

NATURAL CHANNEL & STREAM BUFFERS

N/A

SINKHOLES & KARST FEATURES

N/A

ADDITIONAL STORMWATER REQUIREMENTS

N/A

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 0.09 acre of property generally located at 2646 West Walnut Street from R-SF, Single-Family Residential District to HC, Highway Commercial District and establishing Conditional Overlay District No. 251. The applicant is proposing to combine HC zoned lots to allow for commercial expansion along Scenic Avenue.
2. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Traditional Neighborhood placetype. This placetype includes areas that are comprised of post-war residential neighborhoods that contain predominantly single-family

DEVELOPMENT REVIEW STAFF REPORT

detached dwellings with uniform setbacks, building designs, and parcel sizes, that are separated from dissimilar uses by distinct zoning boundaries and buffer yard. The property is proposed to allow HC, Highway Commercial District uses so this would allow for expansion of a low-intensity neighborhood commercial use which is a supporting use in this placetype.

3. The Traditional Neighborhood place type supports low-intensity, neighborhood commercial. This application is attempting to expand the commercial uses that will primarily be located off Scenic Avenue. This property is on the edge of the placetype and is adjacent to properties that have frontage along Scenic Avenue which is a secondary arterial roadway.
4. The Highway Commercial District is consistent with the goals and objectives of the Traditional Neighborhood placetype in this location.
5. The applicant is proposing a Conditional Overlay District to provide full bufferyard along the east and south bordering properties and require a combination of lots along Scenic and Walnut which are all owned by the same property owner.
6. The subject property is in an area that has other retail and office uses that take advantage of access to Scenic Avenue which is an arterial roadway.
7. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
8. There are changing conditions in the area affected that make the proposed rezoning necessary.
9. The range of uses in the proposed HC district are compatible with the uses permitted on other property in the immediate vicinity;
10. 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;
11. 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 will not require a traffic study.
12. 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.
13. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. The property will be half HC and half R-SF so only uses that are allowed in both would be permitted. This could create significant development issues.

DEVELOPMENT REVIEW STAFF REPORT

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.

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1

CONDITIONAL OVERLAY DISTRICT PROVISIONS NO. 251

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. The use of the narrow or shallow lot exemption provisions of Section 36- 482(16) for the required bufferyards of the proposed rezoning district shall not be allowed.
2. The subject property will need to be combined with the property at 2646 W. Walnut Street and 410 S. Scenic Avenue following the Subdivision Regulations.

Attachment 2

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Residential Single Family (SF) to Highway Commercial District (HC)
(existing zoning) (proposed zoning)
2. Meeting Date & Time: Tuesday, February 20, 2014 @ 4:00 PM to 6:30 PM
3. Meeting Location: The Library Station, 3535 N. Kansas, Springfield, MO
4. Number of invitations that were sent: 151
5. How the mailing list was generated: From City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 9
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).

Neighbors requested and received information about the buffer zone around the business. Assurances that privacy fencing and landscaping will be included in the buffer zone.

Natural Space: Neighbors requested the natural space behind the rezone lot be preserved, trees not cut down but trimmed back instead. The developer intends to keep as many existing trees as possible.

Parking: the proposed business will have enough parking on site and not rely upon parking on Elm Street.

Citizens expressed concerns with criminal elements currently associated with the A Frame building and neighboring businesses including noise, assaults, etc. The parking area will be maintained for safety and security of its patrons and the neighbors. Property Tax and Home Insurance values should be not increased due to this project/rezone.

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

We have not received written comments.

I, Rick Wilson (print name), attest that the neighborhood meeting was held on 2/20/24 (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."

Rick Wilson
Signature of person completing affidavit

Rick Wilson
Printed name of person completing affidavit

2.20.24 Neighborhood Meeting

2646 W. Walnut

Sign in

	<u>Name</u>	<u>Address</u>
1	Juan Sample	1150 S Main Ave (2650 W College)
2	Sandy Trautman	2443 W. 8th St.
3	Wanda Lawrence	2647 W Elm St
4	OCTAVIA SANCHEZ	
5	Patrick Feehan	
6	Linda Moore - Tom Tyler	2626 W. Walnut St.
7	Sarah Tinajero	1717 E Dale
8	Rocket Anderson	516 S. Summit
9	JoAnne Ash	1106 E. Loren,



EXPLANATION TO COUNCIL BILL 2024-060 (MCGULL)

FILED: 04/15/2024

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 9.45 acres of property generally located at the 2200 block of North Belcrest Avenue from HC, Highway Commercial District with Conditional Overlay District No. 226 to HM, Heavy Manufacturing District with Conditional Overlay District No. 250; and adopting an updated Official Zoning Map. (By: 3G Investment Group, LLC; 2200 blk N. Belcrest Avenue; Z-6-2024 with Conditional Overlay District No. 250.)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 9.45 acres of property generally located at 2200 block North Belcrest Avenue from HC, Highway Commercial District with Conditional Overlay District No. 226 to HM, Heavy Manufacturing District and establishing a new Conditional Overlay District No. 250. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-6-2024/ CONDITIONAL OVERLAY DISTRICT NO. 250

The applicant is requesting to rezone the subject property generally located at 2200 block North Belcrest Avenue from HC, Highway Commercial District with Conditional Overlay District No. 226 to HM, Heavy Manufacturing District and establishing a new Conditional Overlay District No. 250. The applicant intends to sell the property for industrial uses which the property was previously zoned HM District prior to 2023.

REMARKS: The Planning and Zoning Commission held a public hearing on March 14, 2024, and recommended to approve, by a vote of 7 to 0. The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The Comprehensive Plan's Land Use & Development chapter identifies the subject property as the Industry & Logistics placetype. This placetype primarily consists of, "...heavy and moderately intense manufacturing, distribution uses, and a range of operations that rely on proximity to the City's airport, interstate, and rail facilities." Based on these primary functions, this placetype also accommodates other activities typically associated with industry and manufacturing, including outdoor activity involving storage or parking of vehicles and equipment.

2. The Heavy Manufacturing District is intended for heavy industrial uses and other uses not otherwise provided for in the other industrial districts. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts wherever possible with good accessibility provided to major rail, air facilities and highways.
3. The proposed Conditional Overlay District will require enhanced perimeter landscaping to be triggered when the site is developed. The landscape plantings along U.S. Highway 65 shall consist of at least one canopy tree, two understory or evergreen trees; and four shrubs per 100 linear feet of street frontage.
4. The subject property is located along U.S. Highway 65, which is classified as a freeway roadway and Belcrest Avenue, which is a local roadway, respectively.
5. The subject property has access to City Utilities' infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
6. There are no known changing conditions in the area affected that make the proposed rezoning necessary.
7. The range of uses in the proposed HM district and COD 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 of the proposed uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.
10. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
11. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

STAFF RECOMMENDATION: Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Industry & Logistics 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-6-2024 COD 250_Ord
2. COD_exhA
3. Legal Description_exhB
4. ROP_exhC
5. Staff Report_exhD

One-rdg. _____
P. Hrngs. X
Pgs. 23
Filed: 04-02-24

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-060

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 9.45 acres of property generally located at the 2200 block of North
4 Belcrest Avenue from HC, Highway Commercial District with
5 Conditional Overlay District No. 226 to HM, Heavy Manufacturing
6 District with Conditional Overlay District No. 250; and adopting an
7 updated Official Zoning Map.
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at the 2200 block of North Belcrest Avenue from HC, Highway
12 Commercial District with Conditional Overlay District No. 226 to HM, Heavy
13 Manufacturing District with Conditional Overlay District No. 250; and
14

15 WHEREAS, Conditional Overlay District No. 250 shall modify the requirements of
16 the Springfield Land Development Code Section 36-433, Heavy Manufacturing District,
17 by requiring that the property described in "Exhibit B" comply with the requirements
18 described in "Exhibit A" attached herein; and
19

20 WHEREAS, following proper notice, the Planning and Zoning Commission held a
21 public hearing on March 14, 2024, a copy of the Record of Proceedings from said public
22 hearing being attached hereto and incorporated herein by this reference as "Exhibit C,"
23 and said Commission made its recommendation; and
24

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

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

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

34 Section 1 – The property described in "Exhibit B," which is attached hereto and
35 incorporated herein by this reference, is hereby rezoned from HC, Highway Commercial
36 District with Conditional Overlay District No. 226 to HM, Heavy Manufacturing District
37 with Conditional Overlay District No. 250. Springfield Land Development Code, Section
38 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed,
39 and modified consistent with this Ordinance.

40
41 Section 2 – City Council hereby establishes Conditional Overlay District No. 250,
42 which shall contain the requirements and standards provided in "Exhibit A," which is
43 attached hereto and incorporated herein by this reference as though set forth herein.
44 The requirements of Conditional Overlay District No. 250 shall modify the requirements
45 of the Springfield Land Development Code Section 36-433, Heavy Manufacturing
46 District, by requiring the property described in "Exhibit B" to comply with the
47 requirements contained in "Exhibit A."

48
49 Section 3 – City Council hereby directs the City Manager, or designee, to update
50 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
51 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
52 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
53 rules of interpretation.'

54
55 Section 4 – The Official Zoning Map herein adopted shall be maintained and
56 archived in the same digital form in which this Council has approved its adoption.

57
58 Section 5 – This Ordinance shall be in full force and effect from and after
59 passage.

60
61 Passed at meeting: _____

62
63 _____
64 Mayor

65
66 Attest: _____, City Clerk

67
68 Filed as Ordinance: _____

69
70 Approved as to form: Laura Vales, Assistant City Attorney

71
72 Approved for Council action: Juan A. Page, City Manager
73
74

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-6-2024 COD 250

The requirements of Section 36-433, Heavy Manufacturing District of the Land Development Code shall be modified as set forth herein for development within this district:

1. Perimeter landscaping:
 - a. Perimeter landscaping shall be provided along U.S. Highway 65 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, two understory or evergreen trees and four shrubs per 100 linear feet of highway frontage.

EXHIBIT B

LEGAL DESCRIPTION

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

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

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

EXHIBIT C

**RECORD OF PROCEEDINGS
Planning and Zoning Commission – March 14, 2024**

Z-6-2024 COD 250
220 blk North Belcrest Avenue
Applicant: 3G Investment Group, LLC

Mr. Neal stated that this is a request to rezone approximately 9.45 acres of property from HC, Highway Commercial District with Conditional Overlay District No. 226 to HM, Heavy Manufacturing District and establishing a new Conditional Overlay District No. 250.

Mr. Scott asked if the Conditional Overlay District (COD) was a stopgap until the rewriting of the zoning code.

Mr. Hosmer noted that it is an interim as the Planning Department moves forward to the new code rewrite.

No speakers (applicant did not appear).

Mr. Knuckles closed the public hearing.

Commission asked if the applicant is required to be present and whether they can proceed. Laura Vales, Assistant Attorney noted that they can temporarily waive a requirement in the operating procedure.

COMMISSION ACTION: (Proceed with applicant absent.)

Planning and Zoning Commission Board Member Colony moved to proceed with applicant absent for Z-6-2024 COD 250, Commissioner Lebeck seconded the motion. It **Proceeded** with the following vote. Ayes: Commissioner Gunther, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles, Commissioner Doennig. Nays: None. Absent: Commissioner Ridge and Commissioner Broekhoven. Abstain: None.

COMMISSION ACTION:

Planning and Zoning Commission Board Member Colony moved to approve Z-6-2024 COD 250, Commissioner Pauly seconded the motion. It **Passed** with the following vote. Ayes: Commissioner Gunther, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles, Commissioner Doennig. Nays: None. Absent: Commissioner Ridge and Commissioner Broekhoven. Abstain: None.



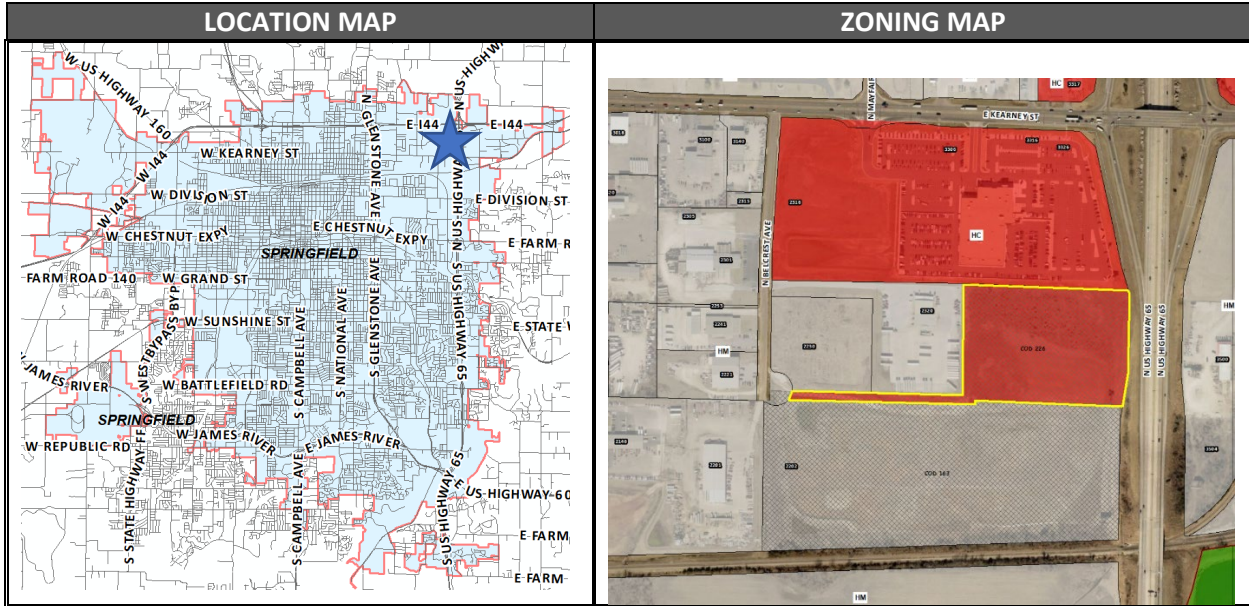
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Z-6-2024 with Conditional Overlay District No. 250
Location:	2200 blk N. Belcrest Avenue
Total Acres:	9.45 acres
Applicant:	3G Investment Group, LLC
Existing Land Use:	Vacant/undeveloped
Neighborhood Meeting:	February 13, 2024
Planning and Zoning Commission:	March 14, 2024
City Council:	April 8, 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-6-2024 with Conditional Overlay District No. 250 as set forth in Attachment 1 of the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

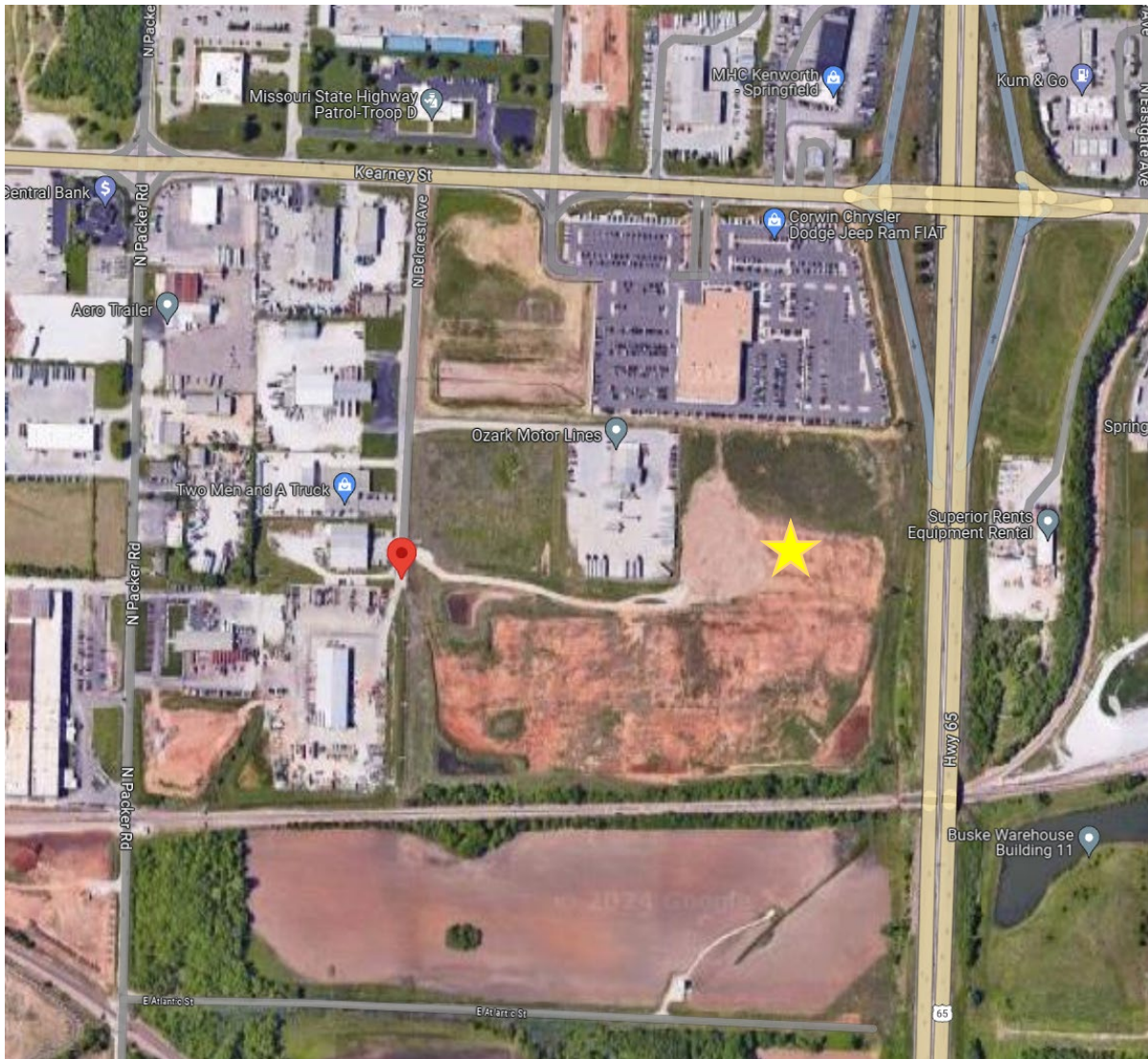
PROJECT SUMMARY:

Request to rezone approximately 9.45 acres of property generally located at 2200 block North Belcrest Avenue from HC, Highway Commercial District with Conditional Overlay District No. 226 to HM, Heavy Manufacturing District and establishing a new Conditional Overlay District No. 250.

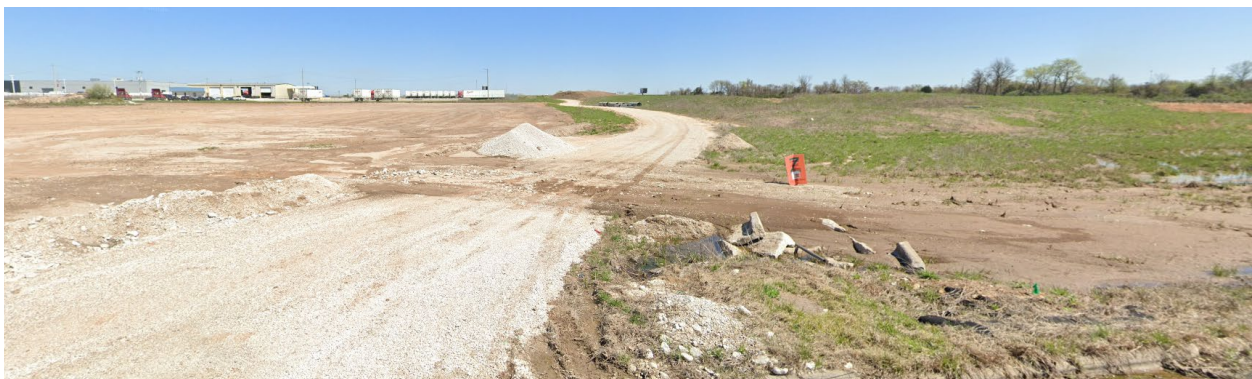


DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

This subject property had been zoned HM, General Manufacturing District since the 1995 remapping; however, it was recently rezoned to HC, Highway Commercial District in 2023.

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 HM DISTRICT
Use Limitations	(a) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space. (b) No junk, scrap, salvage, or automobile wrecking yard shall be located within 500 feet of any residential district. (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

DEVELOPMENT REVIEW STAFF REPORT

	(d) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code. (e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
Minimum Lot Size	Not applicable to the HM District
Maximum Height	Not applicable to the HM District
Bulk Plane	None.
Minimum Yard Requirements	1. <i>Front yard:</i> Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities and recording, television and radio studios: a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space, and yard regulations. b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space, and yard regulations. 2. <i>Side yards:</i> Ten (10) feet, except as required by section 36-453, supplemental open space, and yard regulations, and the bufferyard requirements in subsection (8). 3. <i>Rear yards:</i> Ten (10) feet, except as required by the bufferyard requirements in subsection (8)).
Minimum Open Space	Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities, and recording, television, and radio studios: Not less than 15 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
Design Requirements	(a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved. (b) A landscape plan meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted, and approved.

DEVELOPMENT REVIEW STAFF REPORT

	(c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening, and fencing. (d) All outdoor storage and refuse storage areas shall be screened from view in accordance with section 36-480, screening, and fencing. (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening, and fencing. (f) Lighting shall be designed to reflect away from any adjacent or nearby residential area and in accordance with section 36-484, lighting standards. (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
Buffering and Landscaping	Whenever any development in an HM industrial commercial 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:

The project area is located within the Industry & Logistics placetype, (see the Future Placetype Map on page 4 for reference). Per the *Land Use & Development* chapter of the *Comprehensive Plan*, this placetype primarily consists of, "...heavy and moderately intense manufacturing, distribution uses, and a range of operations that rely on proximity to the City's airport, interstate, and rail facilities." Based on these primary functions, this placetype also accommodates other activities typically associated with industry and manufacturing, including outdoor activity involving storage or parking of vehicles and equipment.

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

DEVELOPMENT REVIEW STAFF REPORT

PRIMARY USES

1. Personal and outdoor storage
2. Light industry
3. Warehousing and distribution facilities
4. Heavy industry and manufacturing
5. Airport, railroad, and freight facilities

SUPPORTING USES

1. Parks, greenways and open space
2. Urban agriculture
3. Office, hospitality, retail sales and service
4. Maker spaces, artisan, and innovation spaces
5. Universities, Colleges & Vocational Schools
6. Government, healthcare and institutional facilities

CHARACTERISTICS TRANSPORTATION & INFRASTRUCTURE

1. Direct new industrial and logistic dependent development to areas planned for more intense uses located near existing rail lines, major roadways, and Enterprise Zones.
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. Freight traffic is diverted away from quieter residential or commercial streets to designated truck routes that are designed for anticipated capacity and have clear access to major routes and roadways.
4. 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 integrated into development plans.

URBAN DESIGN – BUILDING AND SITE TYPOLOGY

1. Industrial buildings exhibit quality façade designs and site layouts that enhance the character of the area and promote quality development and a sense of place.
2. Site design should discourage the placement or storage of materials and mechanical equipment along major roadways leading to the airport or along major routes into the city or should be completely screened, along with trash receptacles, and recycling bins.
3. Lighting, landscaping, signage, mail, and delivery accommodations are proactively incorporated into the site design.
4. Industrial parks contain integrated paths and outdoor recreation areas that are used as amenities by employees.
5. Entrances into industrial parks are clearly marked with monument signage and landscaping.
6. Public art, gateway signage, and landscaping are incorporated into the streetscape leading to and from the airport and interstate interchanges to
7. create a lasting, positive image of the community.

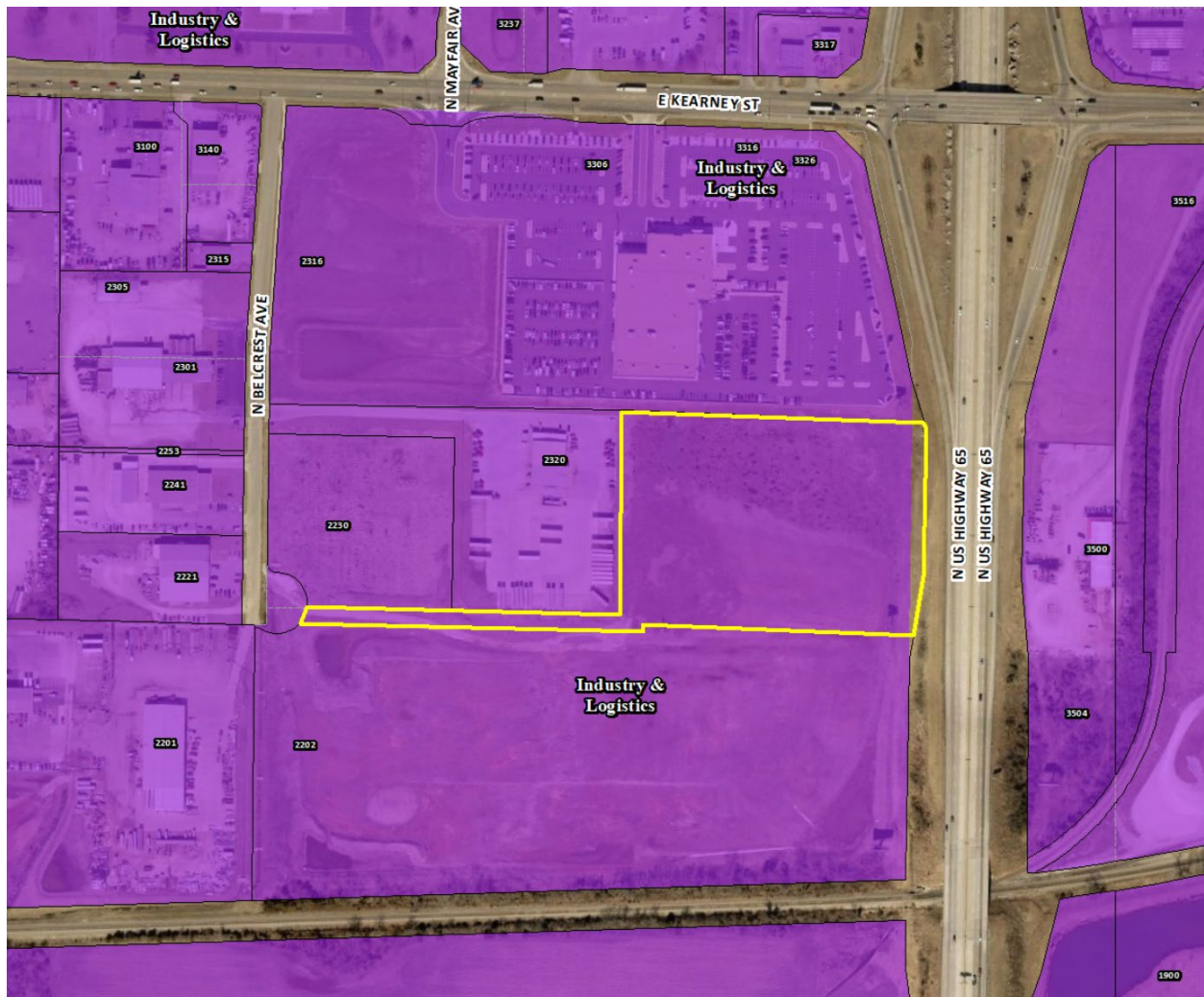
TRANSITIONS

1. Industrial uses are well screened and buffered when located near lower.
2. intensity commercial or residential areas to reduce potential negative visual and noise impacts.

DEVELOPMENT REVIEW STAFF REPORT

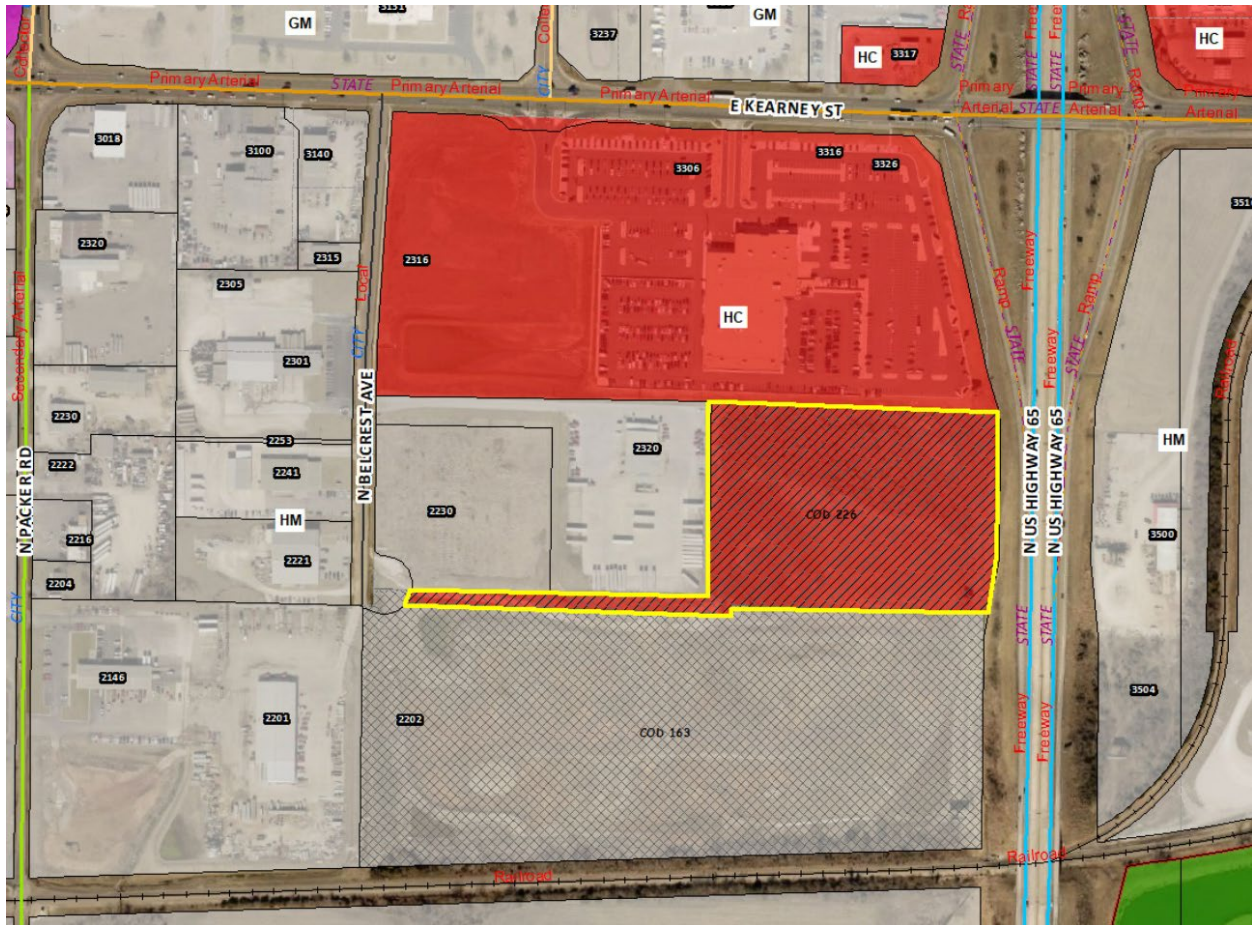
3. Less intense support sales, service, and supply of goods related to heavier manufacturing operations, airport, and other logistical operations are integrated along secondary roadways and around the periphery.

FUTURE PLACETYPE MAP:



DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	HC	HM	HM	HM
LAND USE	Automotive sales	Vacant/undeveloped	Manufacturing uses	Manufacturing uses

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No comments.
2. CITY UTILITIES:
No issues with the proposed rezoning.
3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

DEVELOPMENT REVIEW STAFF REPORT

- a. No objection to the rezoning however sewer access to this property is limited to a 6" service lateral. Public sewer lines are west of the property but is west of a 48" Raw Water main that cannot be crossed with public sewer (due to depth of the sanitary sewer and water main). Any use that requires more than a 6" service lateral would need to extend public sewer from some other location.
4. FIRE DEPARTMENT:
No comments.
5. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

No existing detention or water quality Stormwater Control Measures are present. The property is in the **Jordan Creek North Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream area. The city **is not** aware of a sinkhole 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 HC to HM. Please note that development of the property will be subject to the following conditions at the time of development:

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

DETENTION AND DISCHARGE REQUIREMENTS

1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. The only exception to building detention is a Fee in Lieu of detention application per the City of Springfield Code and the manual dependent on approvable by the Director of Public Works.

WATER QUALITY REQUIREMENTS

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.

DEVELOPMENT REVIEW STAFF REPORT

FLOODPLAIN

N/A

NATURAL CHANNEL & STREAM BUFFERS

N/A

SINKHOLES & KARST FEATURES

N/A

ADDITIONAL STORMWATER REQUIREMENTS

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

6. DEPARTMENT OF PUBLIC WORKS TRAFFIC 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	N. Belcrest Avenue	Local: Non-Residential	City	30	30	NA	Yes	Yes	Yes

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 are three bus stops on Kearney Street near the property.

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

DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 9.45 acres of property generally located at 2200 block North Belcrest Avenue from HC, Highway Commercial District with Conditional Overlay District No. 226 to HM, Heavy Manufacturing District and establishing a new Conditional Overlay District No. 250. The applicant intends to sell the property for industrial uses which the property was previously zoned HM District prior to 2023.
2. The Heavy Manufacturing District is intended for heavy industrial uses and other uses not otherwise provided for in the other industrial districts. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts wherever possible with good accessibility provided to major rail, air facilities and highways.
3. The proposed Conditional Overlay District will require enhanced perimeter landscaping to be triggered when the site is developed. The landscape plantings along U.S. Highway 65 shall consist of at least one canopy tree, two understory or evergreen trees; and four shrubs per 100 linear feet of street frontage.
4. The subject property is located along U.S. Highway 65 which is classified as a freeway roadway and Belcrest Avenue which is a local roadway, respectively.
5. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
6. There are no known changing conditions in the area affected that make the proposed rezoning necessary.
7. The range of uses in the proposed HM district and COD 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 of the proposed uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.
10. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
11. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.
12. The proposed rezoning was reviewed by City departments and comments are contained in the staff report (above).

DEVELOPMENT REVIEW STAFF REPORT

13. The applicant held a neighborhood meeting on February 13, 2024, regarding the rezoning request. A summary of the meeting is attached (Attachment 2).
14. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

STAFF RECOMMENDATION:

1. Staff recommends approval of the rezoning request based on its compatibility with the *Comprehensive Plan's* Industry & Logistics Placetype.

PLANNING AND ZONING OPTIONS:

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

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

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1 Conditional Overlay District No. 250

The requirements of Section 36-433, Heavy Manufacturing District of the Land Development Code shall be modified as set forth herein for development within this district:

1. Perimeter landscaping:
 - a. Perimeter landscaping shall be provided along U.S. Highway 65 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, two understory or evergreen trees and four shrubs per 100 linear feet of highway frontage.

Attachment 2

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

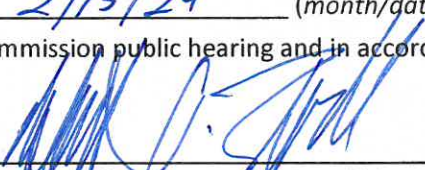
1. Request change to zoning from: Highway Commercial (HC) to Heavy Manufacturing (HM)
(existing zoning) (proposed zoning)
2. Meeting Date & Time: Tuesday, February 13
3. Meeting Location: Frisco Building Cafe Conference Room 3253 E. Chestnut Expy
4. Number of invitations that were sent: 37
5. How the mailing list was generated: By the City of Springfield Staff
6. Number of neighbors in attendance (attach a sign-in sheet): 1
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).

None

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

None

I, Bob Newell (print name), attest that the neighborhood meeting was held on 2/15/24 (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

Bob Newell
Printed name of person completing affidavit

Belcrest 9.5 AC Rezoning Neighborhood Meeting
Thursday, February 15th
Frisco Building Conference Room
Erlen Group - Bob Newell

Name/Company	Street Address	Zip Code	Phone Number	Email Address
WILLIAMS	2146 NORTH JACKSON	65803	417 818-1700	TEY@WILLIAMS.COM



EXPLANATION TO COUNCIL BILL 2024-061 (HORTON)

FILED: 04/15/2024

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 0.42 acres of property generally located at 1501 and 1505 West College Street and 201 North Nettleton Avenue from HC, Highway Commercial District to IC, Industrial Commercial District; and adopting an updated Official Zoning Map. (By: Lorisa Kirkpatrick LLC; 1501 and 1505 West College Street and 201 North Nettleton Avenue; Z-8-2024.)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.42 acres of property generally located at 1501, 1505 West College Street and 201 North Nettleton Avenue from HC, Highway Commercial to IC, Industrial Commercial. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:
ZONING CASE NUMBER Z-8-2024

The applicant is requesting to rezone approximately 0.42 acres of property generally located at 1501, 1505 West College Street and 201 North Nettleton Avenue from HC, Highway Commercial to IC, Industrial Commercial. The applicant intends to establish a distillery business which the HC district does not allow.

REMARKS: The Planning and Zoning Commission held a public hearing on March 14, 2024, and recommended to approve, by a vote of 7 to 0. The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

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

2. "Maker, artisan, and innovation spaces" is listed as a primary land use in the City Corridor placetype. The IC district is consistent with this placetype which would allow

commercial, retail and manufacturing uses that are intended to allow the distillery use.

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 few changing conditions in the area affected that make the proposed rezoning necessary. Minor development of property within the vicinity has been occurring.

5. The range of uses in the proposed IC district is compatible with the uses permitted on other property in the immediate vicinity. There is IC zoning to the south of the subject property. It is also located in an area of industrial and manufacturing uses.

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 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.

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.

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

Submitted By: Michael Sparlin, Senior City Planner

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

Attachments:

1. Z-8-2024 _Ord
2. Legal Description_exhA
3. ROP_exh B
4. Staff Report_exh C

One-rdg. _____
P. Hrngs. X
Pgs. 23
Filed: 04-02-24

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-061

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 0.42 acres of property generally located at 1501 and 1505 West
4 College Street and 201 North Nettleton Avenue from HC, Highway
5 Commercial District to IC, Industrial Commercial District; and
6 adopting an updated Official Zoning Map.
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 1501 and 1505 West College Street and 201 North Nettleton
11 Avenue from HC, Highway Commercial District to IC, Industrial Commercial District; and
12

13 WHEREAS, following proper notice, the Planning and Zoning Commission held a
14 public hearing on March 14, 2024, a copy of the Record of Proceedings from said public
15 hearing being attached hereto and incorporated herein by this reference as "Exhibit B,"
16 and said Commission made its recommendation; and
17

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

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

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

28 Section 1 – The property generally located at 1501 and 1505 West College
29 Street and 201 North Nettleton Avenue and described in "Exhibit A," which is attached
30 hereto and incorporated herein by this reference, is hereby rezoned from HC, Highway
31 Commercial District to IC, Industrial Commercial District. Springfield Land Development
32 Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby
33 amended, changed, and modified consistent with this Ordinance.

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

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

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

45
46 Passed at meeting: _____

47
48 _____
49 Mayor

50
51 Attest: _____, City Clerk

52
53 Filed as Ordinance: _____

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

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

EXHIBIT A

LEGAL DESCRIPTION

All of lot 55 and the east thirty-five feet of lot 56 in West End Addition.

EXHIBIT B

RECORD OF PROCEEDING
Planning and Zoning Commission – March 14, 2024

Z-8-2024
1501 & 1505 West College Street and 201 North Nettleton Avenue
Applicant: Lorisa Kirkpatrick, LLC

Mr. Sparlin stated that this is a request to rezone approximately 0.42 acres of property from HC, Highway Commercial to IC, Industrial Commercial.

Mr. Andy Bennett, 2805 S. Ingram Mill Road and here as the applicant representative and here to answer any questions.

Mr. Pauly asked if the current building will be repurposed, and Mr. Bennett noted that it will be.

Mr. Knuckles closed the public hearing.

Mr. Pauly noted that this proposal is right on Route 66 and sees it as a positive.

COMMISSION ACTION:

Planning and Zoning Commission Board Member Colony moved to approve Z-8-2024, Commissioner Lebeck seconded the motion. It **Passed** with the following vote. Ayes: Commissioner Gunther, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles, Commissioner Doennig. Nays: None. Absent: Commissioner Ridge and Commissioner Broekhoven. Abstain: None.



Bob Hosmer, AICP
Planning Manager

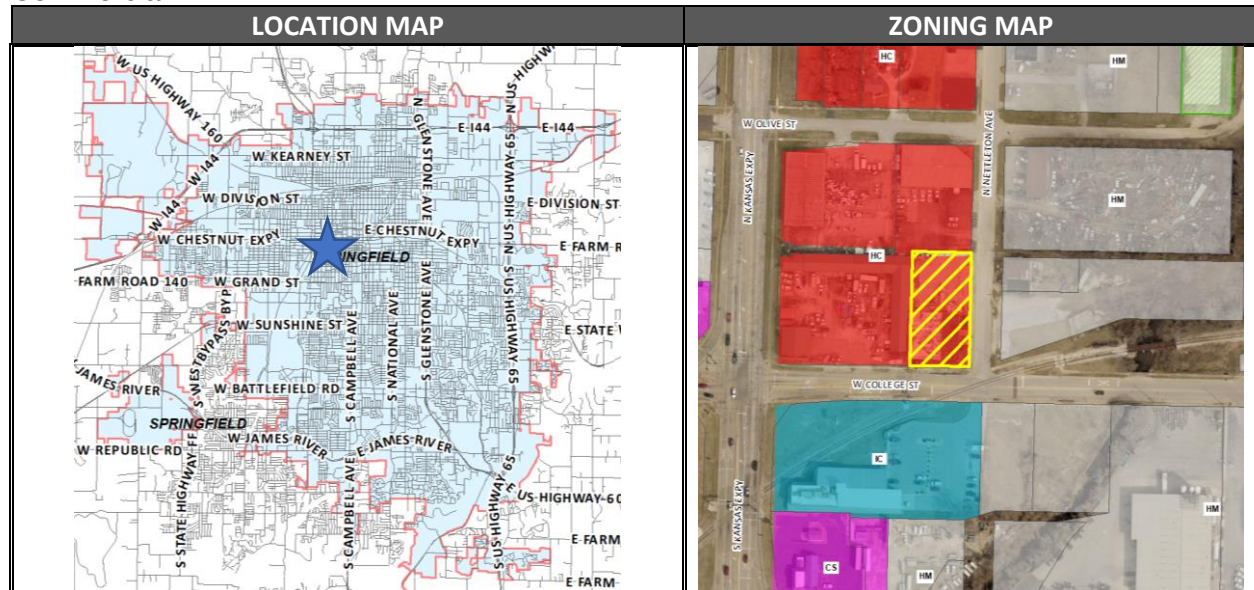
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-8-2024
Location:	1501 and 1505 West College Street and 201 North Nettleton Avenue
Total Acres:	0.42 acres
Applicant:	Lorisa Kirkpatrick LLC
Existing Land Use:	Commercial use with residential lofts
Neighborhood Meeting:	February 25, 2024
Planning and Zoning Commission:	March 14, 2024
City Council:	April 8, 2024
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-8-2024 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

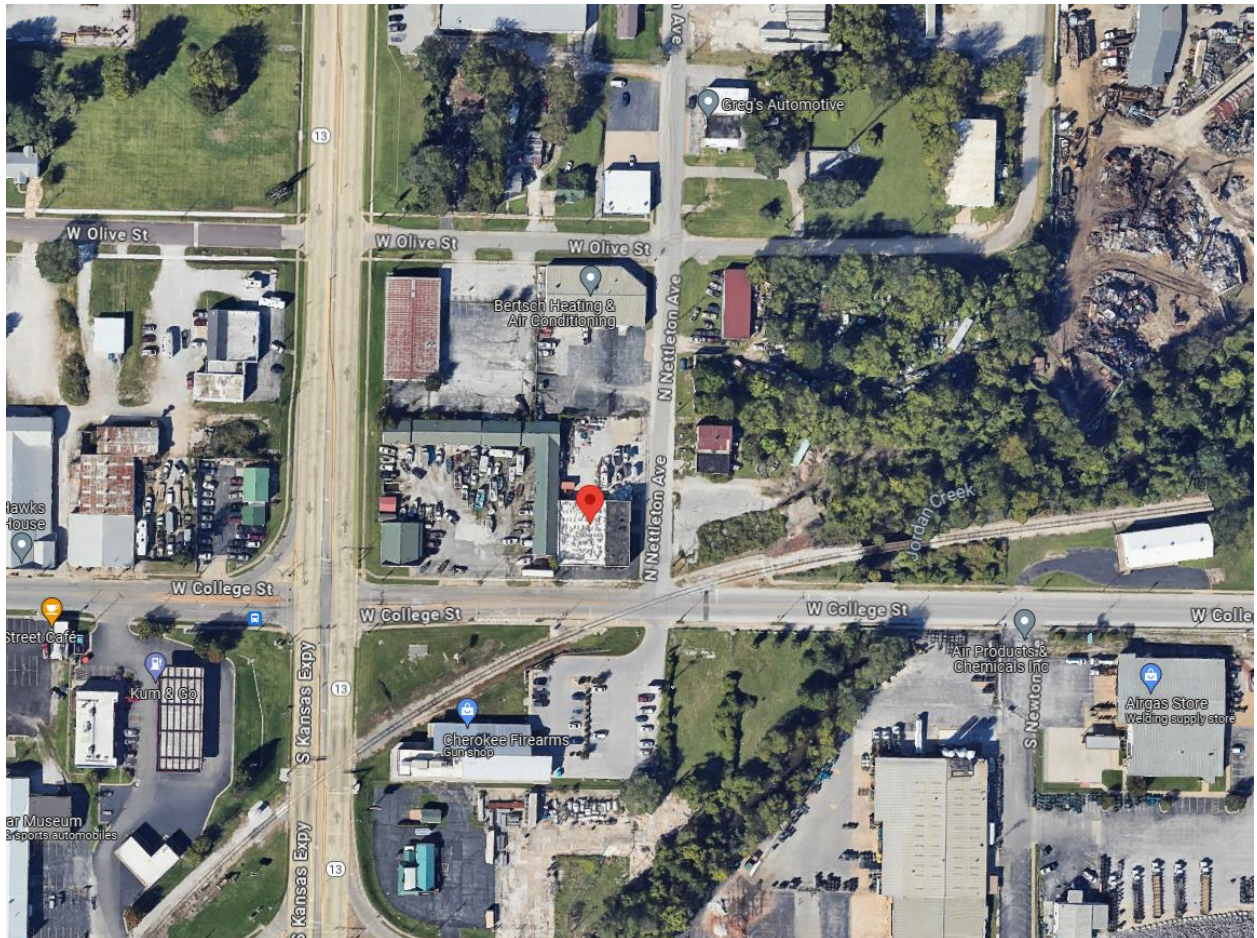
PROJECT SUMMARY:

Request to rezone approximately 0.42 acres of property generally located at 1501, 1505 West College Street and 201 North Nettleton Avenue from HC, Highway Commercial to IC, Industrial Commercial.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE STREETVIEW:



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PROPERTY HISTORY:

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

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) 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 IC DISTRICT
Use Limitations	(a) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time. (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. (c) All industrial operations and activities, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings. (d) Storage may be maintained outside a building inside yards or rear yards if such storage area is screened from public streets, designated arterials, or greater street

DEVELOPMENT REVIEW STAFF REPORT

	classifications, and from other property, except property located in an IC, LI, GM, or HM district. (e) All outdoor storage shall be at least 100 feet from any residential district boundary. (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code. (g) No building shall be used for residential purposes except that a watchman or custodian may reside on the premises. (h) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
Minimum Lot Size	Not applicable to the IC District
Maximum Height	Not applicable to the IC District
Bulk Plane	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of any R-SF or R-TH district.
Minimum Yard Requirements	1. <i>Front yard:</i> a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space, and yard regulations. b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space, and yard regulations. 2. <i>Side yards:</i> None, except as required by section 36-453, supplemental open space, and yard regulations, and the bufferyard requirements in subsection (8). 3. <i>Rear yards:</i> None, except as required by the bufferyard requirements in subsection (8)).
Minimum Open Space	Not less than 15 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
Design Requirements	(a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved. (b) A landscape plan meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-

DEVELOPMENT REVIEW STAFF REPORT

	street parking and loading area design standards, shall be submitted, and approved. (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening, and fencing. (d) All outdoor storage and refuse storage areas shall be screened from view in accordance with section 36-480, screening, and fencing. (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening, and fencing. (f) Lighting shall be designed to reflect away from any adjacent or nearby residential area and in accordance with section 36-484, lighting standards. (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
Buffering and Landscaping	Whenever any development in an IC industrial commercial 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 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:

DEVELOPMENT REVIEW STAFF REPORT

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

Supporting Land Uses:

- Public and private schools and places of worship
- Parks, greenways, and open space
- Urban agriculture
- Universities, colleges, and vocational schools
- Personal and outdoor storage

Characteristics

TRANSPORTATION & INFRASTRUCTURE

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

URBAN DESIGN - BUILDING AND SITE TYPOLOGY:

- Residential development and commercial buildings should be oriented to the street.
- Parking should be located behind or beside the primary buildings with abundant landscaping and screening to encourage greater interest and interaction between the adjoining street and the building, that contributes to community-wide quality of place.
- Pedestrian pathways within large parking lots provide safe access to business entrances.
- A greater focus on site design, parking access, massing, and building orientation are adopted to ensure development that is complementary to adjacent lower density residential development.
- Multi-story buildings designed with active ground floor spaces should be visible and inviting to increase a vibrant pedestrian environment.
- Use of quality materials, construction methods, workmanship, and design should be incorporated into new development and redevelopment.
- A mix of building heights is supported through structured site and building design strategies to soften the impact on adjacent lower intensity residential development.
- Lighting, landscaping, signage, mail, and delivery accommodations should also be proactively incorporated into the site design.

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- 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.

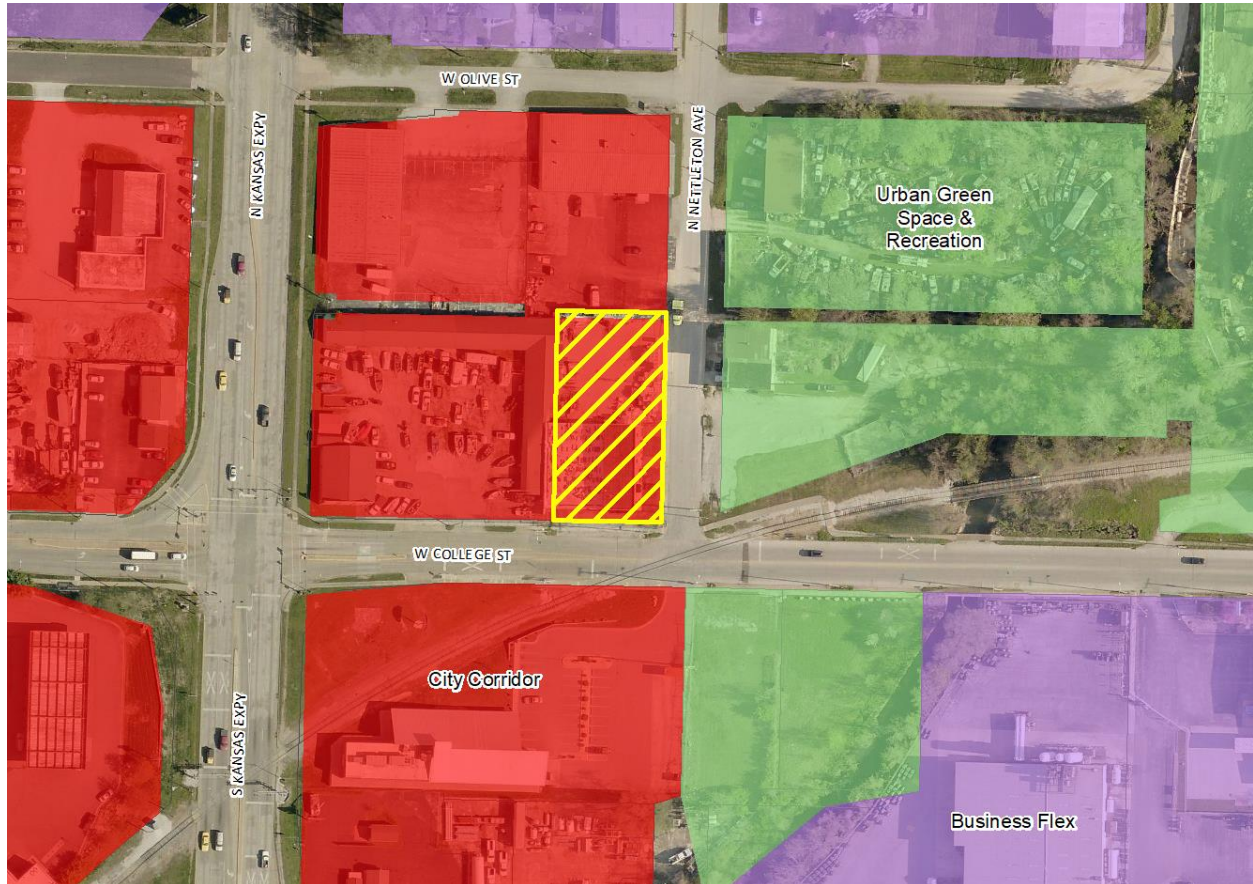
TRANSITIONS:

- 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.

The subject property is also within the College Street Corridor Plan (2012) which was adopted as a guiding document for the College Street corridor. The College Street zoning districts were created as a result of the Plan. It was determined that the HC district was adequate for the subject property. However, it was a goal of the Plan to increase flexibility in land use to provide opportunity for creativity and maximize economic activity.

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 & Innovation Spaces	Public & Private Schools & Places of Worship	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Services, Outdoor Sales & Service
Residential Neighborhood	●	○	◇	○	◇	◇	○	○	○	○	○	○	○	○	○
Mixed Residential	●	●	○	○	◇	◇	○	○	○	○	○	○	○	○	○
Downtown	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

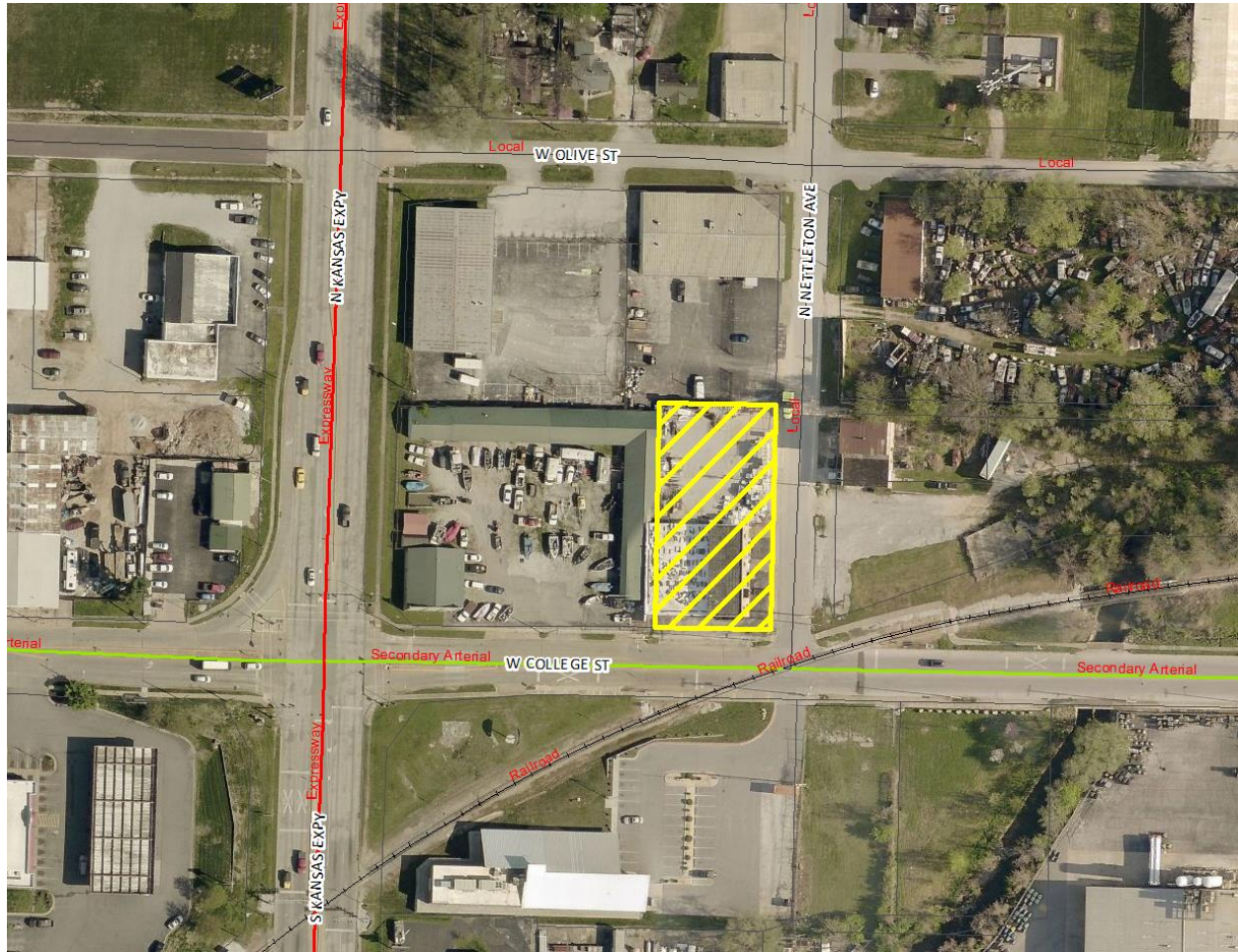
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

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

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

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	HC	IC	HM	HC
LAND USE	Commercial, small machine shop	Railroad, Commercial use	Railroad, Commercial use, city-owned property	Commercial use
PLACETYPES	City Corridor	City Corridor	Urban Green space & recreation	City Corridor

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

DEVELOPMENT REVIEW STAFF REPORT

CITY UTILITIES:

No issues

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues. Tract has access to public sewer.

FIRE DEPARTMENT:

No objections to rezoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	W. College St	Secondary Arterial	City	35	30	NA	No	Yes	Yes
Street 2	N. Nettleton Avenue	Local	City	30	25	NA	Yes	Yes	Yes

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 **Jordan Creek Lower Branch** drainage basin. The property is located in a FEMA designated floodplain. Staff is aware of flooding problems in the local or downstream area. The city is **not** aware of a sinkhole 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 rezone from HC to IC. 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. Site is already existing 100% impervious area. Any redevelopment would not trigger detention requirement.

WATER QUALITY REQUIREMENTS

N/A

FLOODPLAIN

1. The proposed development is within the Floodplain of the Jordan Creek Lower Branch stream. All new construction or redevelopment will require a Floodplain Permit submitted through Building Development Services for review.
 - a. The property contains a portion of the Floodway for Jordan Creek Lower Branch. No new construction or redevelopment would be allowed in the Floodway.
 - b. The Floodplain and Floodway shrink from the FEMA 2010 to the FEMA 2019 Flood Maps. The 2019 FEMA Flood Map completely removes the Floodway from the property but maintains the Floodplain.
 - c. The FEMA 2019 Flood Maps are not yet approved. Expected approval date is end of 2024. Rezoning does not affect the Floodplain or Floodway.

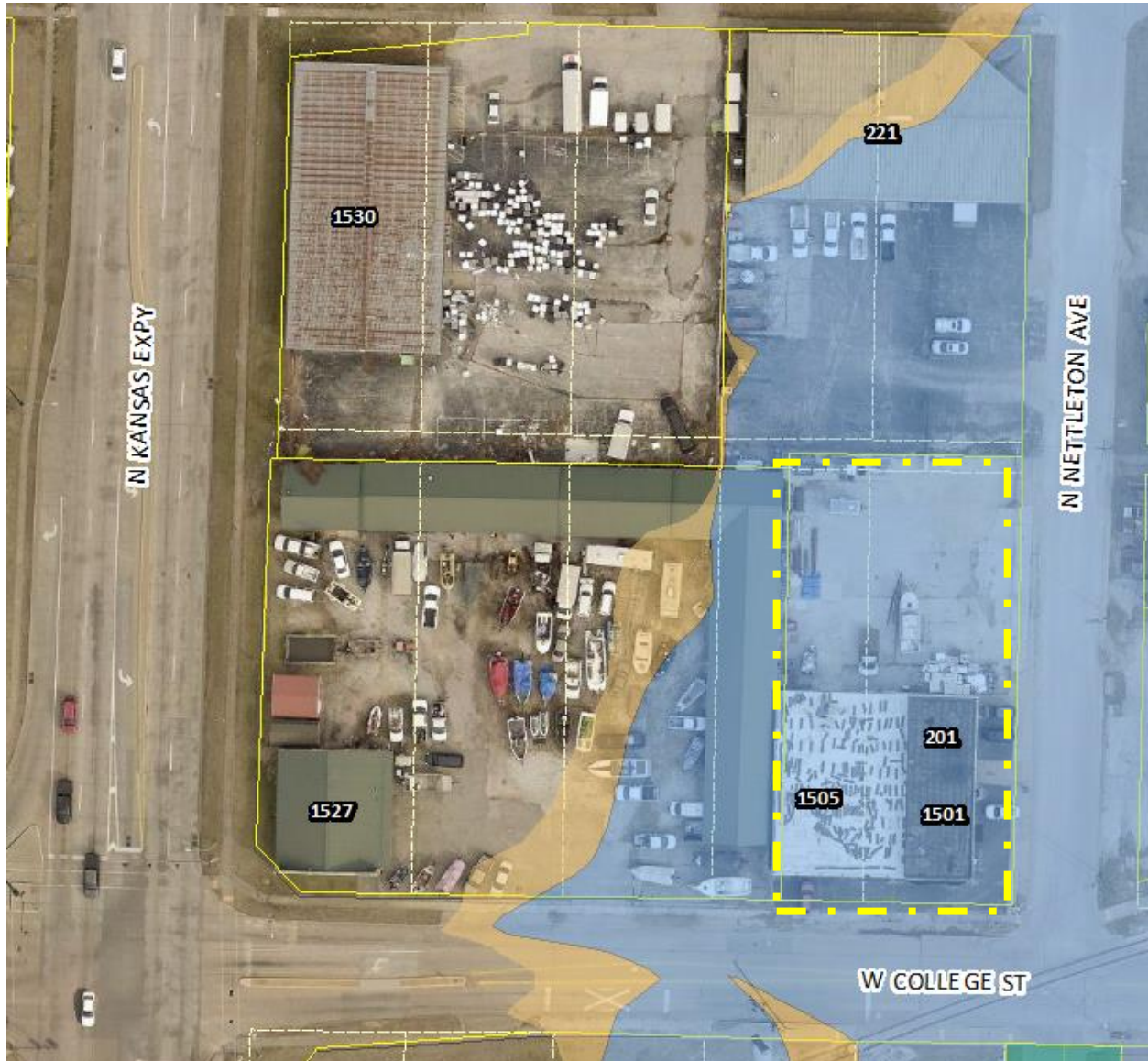
DEVELOPMENT REVIEW STAFF REPORT

FEMA 2010 Flood Map



DEVELOPMENT REVIEW STAFF REPORT

FEMA 2019 Flood Map (Proposed)



NATURAL CHANNEL & STREAM BUFFERS

1. No Stream Buffer on the Property.

SINKHOLES & KARST FEATURES

N/A

ADDITIONAL STORMWATER REQUIREMENTS

1. Stormwater Control Measures are the responsibility of the property owner or property owners' association to maintain, repair, and update unless the agreement is made with the City to

DEVELOPMENT REVIEW STAFF REPORT

operate. Operation and maintenance agreements are required for any permanent stormwater control measures.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 0.42 acres of property generally located at 1501, 1505 West College Street and 201 North Nettleton Avenue from HC, Highway Commercial to IC, Industrial Commercial. The applicant intends to establish a distillery business which the HC district would not allow.
2. This application is consistent with the City Corridor placetype which predominantly consists of commercial and service-related development varying in scale, ranging from standalone businesses to large retail centers. City Corridors are also key locations to support and encourage multi-family developments that rely on proximity to retail, commercial services, and employment centers. Each of these use groups are best located along major roadways with high volumes of traffic. This placetype is not only highly accessible by car, but also by walking, biking, and transit.
3. “Maker, artisan, and innovation spaces” is listed as a primary land use in the City Corridor placetype. The IC district is consistent with this placetype which would allow commercial, retail and manufacturing uses that are intended to allow the distillery use.
4. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities’ extension policy, though new easements may be necessary to accommodate this.
5. There are few changing conditions in the area affected that make the proposed rezoning necessary. Minor development of property within the vicinity has been occurring.
6. The range of uses in the proposed IC district is compatible with the uses permitted on other property in the immediate vicinity. There is IC zoning to the south of the subject property. It is also located in an area of industrial and manufacturing uses.
7. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned.
8. The impact of the uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.
9. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
10. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

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.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Highway Commercial to Industrial Commercial
(existing zoning) (proposed zoning)
2. Meeting Date & Time: February 22, 2024 4:00 to 6:30
3. Meeting Location: 1501 W. College St.
4. Number of invitations that were sent: 55
5. How the mailing list was generated: Planning and Zoning Dept
6. Number of neighbors in attendance (attach a sign-in sheet): _____
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

Will it effect any tax rates for neighboring buidings. Rezone whole area or only our buiding → Bob's Auto Repair? They are HM. Junkyard

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

I, LORISA Kirkpatrick (print name), attest that the neighborhood meeting was held on 2/22/24 (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."

L Kirkpatrick
Signature of person completing affidavit

LORISA KIRKPATRICK
Printed name of person completing affidavit

REZONING APPLICATION REGARDING 1501 W. COLLEGE STREET

Neighborhood Meeting
February 22, 2024
4:00 pm – 6:30 pm

	Name	Address	Phone Number
1.	Oren Redus	939 S. Weaver Ave	417-280-0749
2.	Greg Cherry	310 N Nettleton	417-299-5768
3.	DAVID J. ESLEY	West Capitol	417-350-5708
4.	Claudia Boff	220 N. Nettleton	417-894-1089
5.	Thomas Boff	1330 W. MT VERNON	417-864-5245
6.	Ronald J. Korman	1315 W. College	417-294-0766
7.			
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2/22/2024 7:41 AM



EXPLANATION TO COUNCIL BILL 2024-062 (HORTON)

FILED: 04/15/2024

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 5, 'Supplemental District Regulations,' Section 36-459, 'Special regulations for retail liquor sales,' for the purpose of requiring additional notices and protest eligibility.

PURPOSE: Amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Division 5, Section 36-459, Special regulations for retail liquor sales, for the purpose of requiring additional notices and protest eligibility. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT: LIQUOR LICENSE NOTICE & PROTEST

City Council initiated amendments at their meeting on October 25, 2023 related to Section 36-459, Special regulations for retail liquor sales, to add additional requirements to notify property owners and occupants of residential dwellings within 200 feet of the location of a liquor license application.

FINDINGS FOR STAFF RECOMMENDATION:

1. City Council has directed City staff to prepare amendments to Section 36-459, Special Regulations for Retail Liquor Sales, that would require all residential occupants and property owners in areas zoned R-SF, R-TH, R-MHC, or designated for single-family or two-family residential use in a PD district within 200 feet of an establishment applying for a liquor license to be given written notice via mail of such application. Said mailed notice will also include instructions on how to file a protest petition, as well as next steps depending on whether a protest petition is deemed sufficient or insufficient.
2. As originally proposed, said notices cannot be mailed on the 1st day of the application filing as background check results must first be received and reviewed by Law Department before proceeding to posting/notification process. Therefore, it is recommended that this is to occur by first-class mail no later than three (3) days prior to the posting of public notice as currently required by Section 36-459(4).
3. Another purpose of the amendment is to allow for occupants/renters/tenants to be informed if uses with the sale of retail liquor will be allowed within 200 feet of their property and enable them to protest the sale of retail liquor sales in the vicinity of where they reside. Currently, only property owners are notified and able to protest the sale of retail liquor.

4. Only one signature per land parcel, whether owner or occupant, shall be counted in determining whether the 50-percent threshold for protest has been satisfied. In the event of conflict between the owner and occupant, the owner shall prevail.
5. Forward SGF supports a Comprehensive City Code Update. This Plan calls for a full update to the City's Land Development Code and Ordinances to align regulations with the recommendations contained in each chapter. The Comprehensive Plan is a policy guide that should inform decision making for years to come.
6. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.
7. The Growth and Development Advisory Committee (GDAC), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of this amendment and public hearing dates for comment.

REMARKS: The Planning and Zoning Commission held a public hearing on March 14, 2024, and recommended approval, by a vote of 5 to 2, of the proposed amendments.

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: Daniel Neal, Senior City Planner

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

Attachments:

1. Liquor License Notice Amendment_Ord
2. ROP_exhA
3. Staff Report_exhB

One-rdg. _____
P. Hrngs. X
Pgs. 14
Filed: 04-02-24

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-062

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 5,
3 'Supplemental District Regulations,' Section 36-459, 'Special
4 regulations for retail liquor sales,' for the purpose of requiring
5 additional notices and protest eligibility.
6 _____
7

8 WHEREAS, City Council initiated amendment to Section 36-459 of the
9 Springfield City Code at its meeting on October 25, 2023; and
10

11 WHEREAS, the proposed amendment would require all residential occupants
12 and property owners in areas zoned Single-Family Residential District (R-SF),
13 Residential Townhouse District (R-TH), Manufactured Home Community District (R-
14 MHC), or designated for single-family or two-family residential use in a Planned
15 Development District (PD) within 200 feet of an establishment applying for a liquor
16 license to be given written notice via mail of such application, along with instructions on
17 how to file a protest petition; and
18

19 WHEREAS, following proper notice, the Planning and Zoning Commission held a
20 public hearing regarding the proposed amendment to Section 36-459 on March 14,
21 2024, a copy of the Record of Proceedings from said public hearing being attached
22 hereto and incorporated herein by this reference as "Exhibit A," and recommended
23 approval of the proposed changes; and
24

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

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

31 Section 1 – Chapter 36 of the Springfield City Code, known as the 'Land
32 Development Code,' Article III, 'Zoning Regulations,' Division 5, 'Supplemental District
33 Regulations,' Section 36-459, 'Special regulations for retail liquor sales,' is hereby
34 amended to read as follows:

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

Section 36-459. Special regulations for retail liquor sales.

- (1) *Applicability.* No license shall be issued for the sale of intoxicating liquor at retail in any form notwithstanding that the proposed establishment is within the zone appropriate therefore under this article nor shall any such use be conducted in any zone of the city unless the following procedures shall be followed.
- (2) *Location with regard to R-SF, R-TH, R-MHC, or PD districts.* Whenever any application shall be received by the city for the establishment of a place for the sale of intoxicating liquor at retail in any form, it shall be determined by the officer charged with the responsibility of issuing such licenses whether or not the proposed establishment is located within 200 feet of any property zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district under this article. In the event there shall be no such property within 200 feet from the proposed location and the application shall otherwise be appropriate and authorized by the laws of the city, then the license may be issued.
- (3) *Application fee.* If the proposed establishment is within 200 feet of property zoned R-SF, R-TH, R-MHC, or designated for single-family or two-family residential use in a PD district, then the person charged with the responsibility of accepting applications for such establishments on behalf of the city shall require to be filed therewith a fee of \$107.00 plus the actual costs of publication and other for legal notices required by law for the processing of said application, which fee is in addition to the license fee required by ordinances of the city. The additional fee shall be for the costs of processing the application and providing the necessary notifications described herein.
- (4) *Public notice.* Thereupon, the applicant shall cause to be posted in four places in the vicinity of the property which is so zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, and which is within 200 feet of the proposed establishment a notice setting forth the proposed application and advising that persons within said 200 feet owning or occupying property zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, shall have the right within 21 days from the date that the notice shall first be posted in which to protest the granting of a license for the establishment and the use of the land therefore, including instructions for filing said protest. In addition, said notice shall be mailed to all persons within said 200 feet owning or occupying property zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, said mailing to occur by first-class mail no later than three (3) days prior to the posting described herein. Deposit in the United States mail, with postage prepaid, shall constitute proof of compliance with the mailing notice requirement. In addition, ~~the~~ said notice shall be advertised in an official newspaper or a newspaper of general circulation in the City of Springfield, Missouri, said notice to be given for at least five straight consecutive issues, and the time to protest shall commence with the date of the first said publication and shall terminate on the twenty-first day thereafter.

- 80 (5) *Protest requirements.* If within the 21 days aforesaid there shall be filed with the
81 officer of the city charged with receiving applications for liquor licenses a protest to
82 granting the license for the proposed establishment signed by at least 50 percent of
83 the owners and/or occupants of the land so zoned R-SF, R-TH, R-MHC or
84 designated for single-family or two-family residential use in a PD district, and
85 located within 200 feet of the proposed establishment, then the application shall be
86 forwarded to city council for its resolution in favor or against said application. If,
87 however, no such protest shall be filed within 21 days or if the same shall be
88 insufficient, thereupon the license may issue, all other requirements of the law of
89 the City of Springfield having been met and complied with.

90
91 For the purpose of this section, only one signature per land parcel, whether
92 property owner or occupant, shall be counted in determining whether the 50-
93 percent threshold for protest has been satisfied. In the event of conflict between the
94 owner and occupant, the owner shall prevail.

95 The official of the City of Springfield charged with the responsibility of accepting
96 applications for licenses for the sale of intoxicating liquor at retail shall have the
97 authority from time to time to prepare forms to implement this section including
98 protest forms, application forms, and forms for notice, forms for proof of ownership
99 and/or occupancy, and other appropriate requirements. Forms of protest shall in
100 any event be acknowledged by some person other than a protesting owner or
101 occupant located within the 200 feet area acknowledging the signatures of the
102 persons contained thereon to be the free act and deed of the persons so signing. In
103 determining those persons entitled to be counted in such protest, only those
104 persons who are owners or occupants of the land of record on the date that the
105 application shall have been filed shall be entitled to protest.

106 Notwithstanding the provisions of this section, the director of finance may issue a
107 license for the same location to any purchaser of a retail liquor establishment which
108 was duly licensed at the time of the purchase providing the purchaser makes
109 proper application and is qualified and eligible to hold a license and providing that
110 the provisions of section 10-36 [of the] Springfield City Code shall have been
111 complied with; nor shall the provisions of this section prohibit the reissuance of
112 licenses for previously existing duly licensed establishments.

- 113 (6) *Exemption from notice.* The applicant shall be exempted from the notice and
114 publication requirements herein, and only those requirements, if 100 percent of all
115 owners and occupants of residential property as set forth herein, file a notarized
116 waiver of protest setting forth the case or license number, address of
117 establishment, and indicating they have no opposition to the proposed use, and the
118 license may issue providing the applicant has complied with all other applicable
119 requirements.

120
121 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
122 affect any suit or proceeding now pending in any court, or any rights acquired, or liability
123 incurred, nor any cause or causes of action accrued or existing, under any act or
124 ordinance repealed hereby, nor shall any right or remedy of any character be lost,
125 impaired, or affected by this Ordinance.

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

132
133 Section 4 – This Ordinance shall be in full force and effect from and after
134 passage.

135
136 Passed at meeting: _____

137
138 _____
139 Mayor

140
141 Attest: _____, City Clerk

142
143 Filed as Ordinance: _____

144
145 *Laura Vales*
146 Approved as to form: _____, Assistant City Attorney

147
148 *Jason A. Hage*
149 Approved for Council action: _____, City Manager

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission – March 14, 2024

Liquor License Notice & Protest Text Amendment

Citywide

Applicant: City of Springfield

Mr. Neal stated that this is a request to amend Section 36-459, Special Regulations for Retail Liquor Sales. The purpose of the amendments is to allow for occupants/renters/tenants to be informed if uses with the sale of retail liquor will be allowed within 200 feet of their property and enable them to protest the sale of retail liquor sales in the vicinity of where they reside.

Mr. Colony asked how they had decided on the 200 feet for sending out mailers. Mr. Neal noted that it is consistent with state requirements and rezoning.

Ms. Coover, Licensing Supervisor noted that state statute for schools, churches, and parks states 100 feet and the city had extended it to 200 feet. She also noted that the code is vague on the posting of signs (4 signs to be posted in vicinity of location) and will need to be posted for 21 consecutive days.

Mr. Scott asked about legal standing to tenancy instead of strictly ownership.

Ms. Vales noted that she said cannot find anything written, but this was direct request from City Council.

Further discussion on who would prevail, tenant or property owner and it was noted that the property owner would prevail and what percentage would cause it to go forward to council.

Mr. Knuckles closed the public hearing.

COMMISSION ACTION:

Planning and Zoning Commission Board Member Scott moved to approve Retail Liquor Sales Text Amendment, Commissioner Colony seconded the motion. It was **Passed** with the following vote. Ayes: Commissioner Gunther, Commissioner Scott, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles. Nays: Commissioner Pauly and Commissioner Doennig. Absent: Commissioner Ridge and Commissioner Broekhoven. Abstain: None.



Bob Hosmer, AICP
Planning Manager

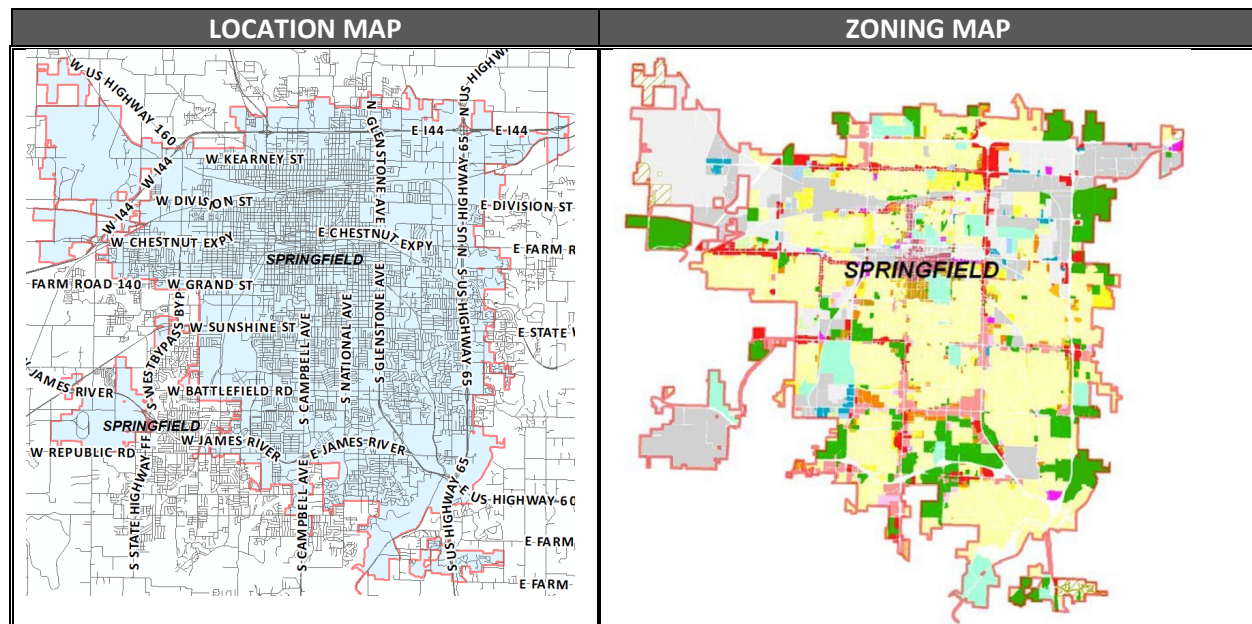
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION:

Case Number:	Liquor License Notice & Protest Amendment
Location:	Citywide
Total Acres:	NA
Applicant:	City of Springfield
Existing Land Use:	NA
Neighborhood Meeting:	NA
Planning and Zoning Commission:	March 14, 2024
City Council:	April 8, 2024
Public Notification:	Legal in Daily Events
Staff:	Daniel Neal, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of the text amendment to Section 36-459 as set forth in Attachment 1 to the staff report on this item. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to amend Section 36-459, Special Regulations for Retail Liquor Sales, to require that all residential occupants and property owners in areas zoned R-SF, R-TH, R-MHC, or designated for single-family or two-family residential use in a PD district within 200 feet of an establishment applying for a liquor license to be given written notice via mail of such application. Said mailed notice will also include instructions on how to file a protest petition, as well as next steps depending on whether a protest petition is deemed sufficient or insufficient.



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:

1. The Comprehensive Plan establishes and assigns placetypes to all areas within the City and surrounding planning area. Each placetype assignment should be used to guide future land development and redevelopment, as well as more detailed or strategic planning at the district, corridor, or neighborhood level. Zoning and other related regulatory codes are used to implement the planning vision, at the parcel level. Multiple zoning districts can be present in the placetypes as long as they complement one another and support the general character of the placetype. The placetypes should serve as an essential tool in identifying needed updates to the City's zoning regulations and development standards. Chapter 15: Implementation, provides additional detailed guidance on how the city should use placetypes when updating development codes.
2. **Forward SGF** supports a Comprehensive City Code Update. This Plan calls for a full update to the City's Land Development Code and Ordinances to align regulations with the recommendations contained in each chapter. The Comprehensive Plan is a policy guide that should inform decision making for years to come, but it is not regulatory. The City needs to update its development regulations to support the Plan's vision.
3. **Development Regulations.** 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. Likewise, neighborhoods that can support low-intensity commercial hubs surrounded by diverse housing types will require codes to keep development intensity in-check at a neighborhood-scale. Plans and code

DEVELOPMENT REVIEW STAFF REPORT

changes will also need to champion alignment of subsidies and other public investments and improvements with land planning to ensure housing and economic development projects are permitted and supported in places where they are best suited and equitably dispersed across the city.

STAFF ANALYSIS AND RECOMMENDATION:

1. City Council has directed City staff to prepare amendments to Section 36-459, Special Regulations for Retail Liquor Sales, that would require all residential occupants and property owners in areas zoned R-SF, R-TH, R-MHC, or designated for single-family or two-family residential use in a PD district within 200 feet of an establishment applying for a liquor license to be given written notice via mail of such application. Said mailed notice will also include instructions on how to file a protest petition, as well as next steps depending on whether a protest petition is deemed sufficient or insufficient and is to occur by first-class mail no later than three (3) days prior to the posting of public notice as currently required by Section 36-459(4).
2. The purpose of the amendments is to allow for occupants/renters/tenants to be informed if uses with the sale of retail liquor will be allowed within 200 feet of their property and enable them to protest the sale of retail liquor sales in the vicinity of where they reside. Currently, only property owners are notified and able to protest the sale of retail liquor.
3. Only one signature per land parcel, whether owner or occupant, shall be counted in determining whether the 50-percent threshold for protest has been satisfied. In the event of conflict between the owner and occupant, the owner shall prevail.
4. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.
5. The Growth and Development Advisory Committee (GDAC), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of this amendment and public hearing dates for comment.

STAFF RECOMMENDATION:

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

DEVELOPMENT REVIEW STAFF REPORT

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 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:

Attachment 1

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

Sec. 36-459. Special regulations for retail liquor sales.

- (1) *Applicability.* No license shall be issued for the sale of intoxicating liquor at retail in any form notwithstanding that the proposed establishment is within the zone appropriate therefore under this article nor shall any such use be conducted in any zone of the city unless the following procedures shall be followed.
- (2) *Location with regard to R-SF, R-TH, R-MHC, or PD districts.* Whenever any application shall be received by the city for the establishment of a place for the sale of intoxicating liquor at retail in any form, it shall be determined by the officer charged with the responsibility of issuing such licenses whether or not the proposed establishment is located within 200 feet of any property zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district under this article. In the event there shall be no such property within 200 feet from the proposed location and the application shall otherwise be appropriate and authorized by the laws of the city, then the license may be issued.
- (3) *Application fee.* If the proposed establishment is within 200 feet of property zoned R-SF, R-TH, R-MHC, or designated for single-family or two-family residential use in a PD district, then the person charged with the responsibility of accepting applications for such establishments on behalf of the city shall require to be filed therewith a fee of \$107.00 plus the actual costs of publication and other ~~for~~ legal notices required by law for the processing of said application, which fee is in addition to the license fee required by ordinances of the city. The additional fee shall be for the costs of processing the application and providing the necessary notifications described herein.
- (4) *Public notice.* Thereupon, the applicant shall cause to be posted in four places in the vicinity of the property which is so zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, and which is within 200 feet of the proposed establishment a notice setting forth the proposed application and advising that persons within said 200 feet owning or occupying property zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, shall have the right within 21 days from the date that the notice shall first be posted in which to protest the granting of a license for the establishment and the use of the land therefore, including instructions for filing said protest. In addition, said notice shall be mailed to all persons within said 200 feet owning or occupying property zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, said mailing to occur by first-class mail no later than three (3) days prior to the posting described herein. Deposit in the United States mail, with postage prepaid, shall constitute proof of compliance with the mailing notice

DEVELOPMENT REVIEW STAFF REPORT

requirement. In addition, ~~the~~ said notice shall be advertised in an official newspaper or a newspaper of general circulation in the City of Springfield, Missouri, said notice to be given for at least five straight consecutive issues, and the time to protest shall commence with the date of the first said publication and shall terminate on the twenty-first day thereafter.

- (5) *Protest requirements.* If within the 21 days aforesaid there shall be filed with the officer of the city charged with receiving applications for liquor licenses a protest to granting the license for the proposed establishment signed by at least 50 percent of the owners and/or occupants of the land so zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, and located within 200 feet of the proposed establishment, then the application shall be forwarded to city council for its resolution in favor or against said application. If, however, no such protest shall be filed within 21 days or if the same shall be insufficient, thereupon the license may issue, all other requirements of the law of the City of Springfield having been met and complied with.

For the purpose of this section, only one signature per land parcel, whether owner or occupant, shall be counted in determining whether the 50 percent threshold for protest has been satisfied. In the event of conflict between the owner and occupant, the owner shall prevail.

The official of the City of Springfield charged with the responsibility of accepting applications for licenses for the sale of intoxicating liquor at retail shall have the authority from time to time to prepare forms to implement this section including protest forms, application forms, and forms for notice, forms for proof of ownership and/or occupancy, and other appropriate requirements. Forms of protest shall in any event be acknowledged by some person other than a protesting owner or occupant located within the 200 feet area acknowledging the signatures of the persons contained thereon to be the free act and deed of the persons so signing. In determining those persons entitled to be counted in such protest, only those persons who are owners or occupants of the land of record on the date that the application shall have been filed shall be entitled to protest.

Notwithstanding the provisions of this section, the director of finance may issue a license for the same location to any purchaser of a retail liquor establishment which was duly licensed at the time of the purchase providing the purchaser makes proper application and is qualified and eligible to hold a license and providing that the provisions of section 10-36 [of the] Springfield City Code shall have been complied with; nor shall the provisions of this section prohibit the reissuance of licenses for previously existing duly licensed establishments.

- (6) *Exemption from notice.* The applicant shall be exempted from the notice and publication requirements herein, and only those requirements, if 100 percent of all owners and occupants of residential property as set forth herein, file a notarized waiver of protest setting forth the case or license number, address of establishment, and indicating they

DEVELOPMENT REVIEW STAFF REPORT

have no opposition to the proposed use, and the license may issue providing the applicant has complied with all other applicable requirements.



EXPLANATION TO AMENDED COUNCIL BILL 2024-063 (MCGULL)

FILED: 04/15/2024

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A special ordinance approving the Final Development Plan of Planned Development District No. 303, generally located at 1735 East Valley Water Mill Road. (By: Triple S Properties Inc.; 1735 E Valley Water Mill Road; Final Development Plan – Planned Development 303.)

PURPOSE: Approving the final development plan for Planned Development District No. 303 generally located at 1735 East Valley Water Mill Road. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

PLANNED DEVELOPMENT DISTRICT NO. 303 – FINAL DEVELOPMENT PLAN

The applicant is requesting approval of the final development plan of Planned Development No. 303 on approximately 3.48 acres of property generally located at 1735 East Valley Water Mill Road for a multi-family development.

The Final Development Plan as presented in the Council Bill is the same as that presented to the Planning and Zoning Commission. Staff subsequently recognized that the Final Development Plan as presented to the Planning and Zoning Commission did not comply with the thirty (30) degree bulk plane requirement along the east property line as set forth in Planned Development District No. 303. The applicant has agreed to modify the plan to comply with the bulk plane requirement, and staff has prepared an amendment to this Council Bill to reflect the modified plan. City Council has the authority to approve the Final Development Plan with this modification as an amendment.

REMARKS: The Planning and Zoning Commission held a public hearing on March 14, 2024, and recommended to approve, by a vote of 7 to 0. The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The rezoning of the property to Planned Development No 303 to allow for multi-family uses was approved in 2006 without a final development plan. The applicant is requesting approval of the final development plan of Planned Development No. 303 on approximately 3.48 acres of property generally located at 1735 E Valley Water Mill Road for a multi-family development.



2. The subject property is currently being platted with the Preliminary Plat of Valley Water Mill Estates.

3. The Administrative Review Committee (ARC) recommended approval of the Final Development Plan on January 18, 2024.

4. The final development plan for developments in Planned Development 303 requires recommendation by Planning and Zoning Commission and approval by City Council.

STAFF RECOMMENDATION: The final development plan is in substantial conformity to the Planned Development Ordinance approved by City Council, September 18, 2006, and staff recommends approval.

Submitted By: Michael Sparlin, Senior City Planner

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

Attachments:

1. Amended FDP PD 303 _Ord (1)
2. Legal Description_exh A
3. ROP_exh B
4. Amended Staff Report_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 15
Filed: 04-02-24

Sponsored by: McGull

First Reading: _____

Second Reading: _____

AMENDED
COUNCIL BILL 2024-063

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the Final Development Plan of Planned Development District No. 303,
2 generally located at 1735 East Valley Water Mill Road.
3
4 _____

5 WHEREAS, on September 18, 2006, City Council passed General Ordinance
6 5600, rezoning approximately seven (7) acres of land generally located at the northeast
7 corner of Glenstone and Valley Water Mill from Greene County R-1 District to PD -
8 Planned Development District No. 303, without submission of a final development plan;
9 and
10

11 WHEREAS, a final development plan for a multi-family development on a portion
12 of the above-described tract, consisting of approximately 3.48 acres generally located at
13 1735 East Valley Water Mill Road and described more fully in "Exhibit A," which is
14 attached hereto and incorporated herein by this reference, has been prepared and
15 submitted; and
16

17 WHEREAS, the subject property, as described in "Exhibit A," is currently being
18 platted with the Preliminary Plat of Valley Water Mill Estates; and
19

20 WHEREAS, the Administrative Review Committee recommended approval of the
21 proposed Final Development Plan on January 18, 2024; and
22

23 WHEREAS, on March 14, 2024, the Planning and Zoning Commission
24 conducted a public hearing, a copy of the Record of Proceedings from said public
25 hearing being attached hereto and incorporated herein by this reference as "Exhibit B,"
26 and recommended approval of the proposed Final Development Plan.
27

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

31 Section 1 – Subject to all regulations and standards of Planned Development
32 District No. 303, City Council hereby approves the Final Development Plan as shown in

33 "Amended Exhibit C," which is attached hereto, and incorporated herein by this
34 reference.

35
36 Section 2 – 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: Laura Vales, Assistant City Attorney

49
50
51 Approved for Council action: Jason A. Hays, City Manager
52

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 29 NORTH, RANGE 21 WEST OF THE FIFTH P.M., CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, SAID TRACT ALSO BEING THOSE PARCELS CONVEYED TO TRIPLE S PROPERTIES INC. IN BOOK 2023, PAGE 10009-23 OF THE GREENE COUNTY RECORDER OF DEEDS OFFICE, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM AN EXISTING RAILROAD SPIKE AT THE SOUTHWEST CORNER OF LOT 5 OF THE NORTHEAST CORNER OF SAID SECTION 6, THENCE S88°13'08"E ALONG THE SOUTH LINE OF SAID LOT 5 A DISTANCE OF 720.04 FEET; THENCE N01°59'51"E TO A POINT ON THE NORTH RIGHT OF WAY LINE OF E. VALLEY WATER MILL ROAD (40' WIDE) FOR A POINT OF BEGINNING.

THENCE LEAVING SAID NORTH RIGHT OF WAY LINE N01°59'14"E FOR 244.30 FEET; THENCE S87°38'47"E 589.00 FEET; THENCE S01°51'43"W 234.59 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF E. VALLEY WATER MILL ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE N88°18'00"W A DISTANCE OF 9.79 FEET; THENCE S02°13'33"W A DISTANCE OF 2.93; THENCE N88°18'21"W A DISTANCE OF 579.72 FEET TO THE POINT OF BEGINNING CONTAINING 141,931 SQUARE FEET OR 3.26 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, COVENANTS OF RECORD.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – March 14, 2024

Planned Development 303 Final Development Plan
1735 East Valley Water Mill Road
Applicant: Triple S Properties, Inc.

Mr. Sparlin stated that this is a request to approve the final development plan of Planned Development No. 303, on approximately 3.48 acres of property for a multi-family development.

Mr. Tim Schowe, 2804 N. Biagio Street, Ozark here on behalf of the developer and this meets the density allowed in the existing Planned Development (allows 28 du/ac).

Mr. Scott asked about the northeast and northwest corners.

Mr. Schowe stated that the northeast corner will be a swimming pool and northwest corner is an existing sink hole that they will avoid.

Mr. Pauly asked about the building height and was told it will be a three-story building and each building will have 24 units for three buildings total.

Mr. Scott asked about the bulk plane requirements on the east side.

Mr. Sparlin noted that he believes it will be a 30-degree bulk plane but does not have the language present to review.

Discussion of the bulk plane requirements (45-degree or 30-degree bulk plan). Planned Development 303 notes it as 30-degree bulk plane.

Mr. Knuckles closed the public hearing.

COMMISSION ACTION:

Planning and Zoning Commission Board Member Colony moved to approve Preliminary Plat of Valley Water Mill Estates, Commissioner Lebeck seconded the motion. It was **Passed** with the following vote. Ayes: Commissioner Gunther, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles, Commissioner Doennig. Nays: None. Absent: Commissioner Ridge and Commissioner Broekhoven. Abstain: None.

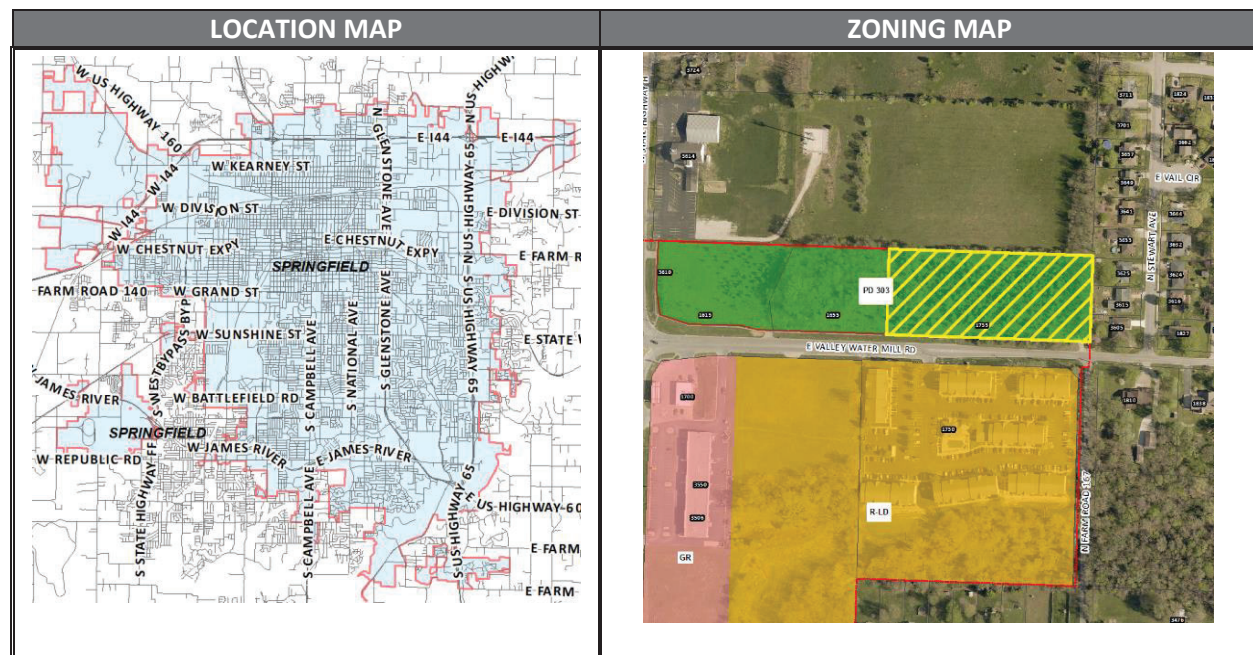


Bob Hosmer, AICP
Planning Manager

PROJECT INFORMATION

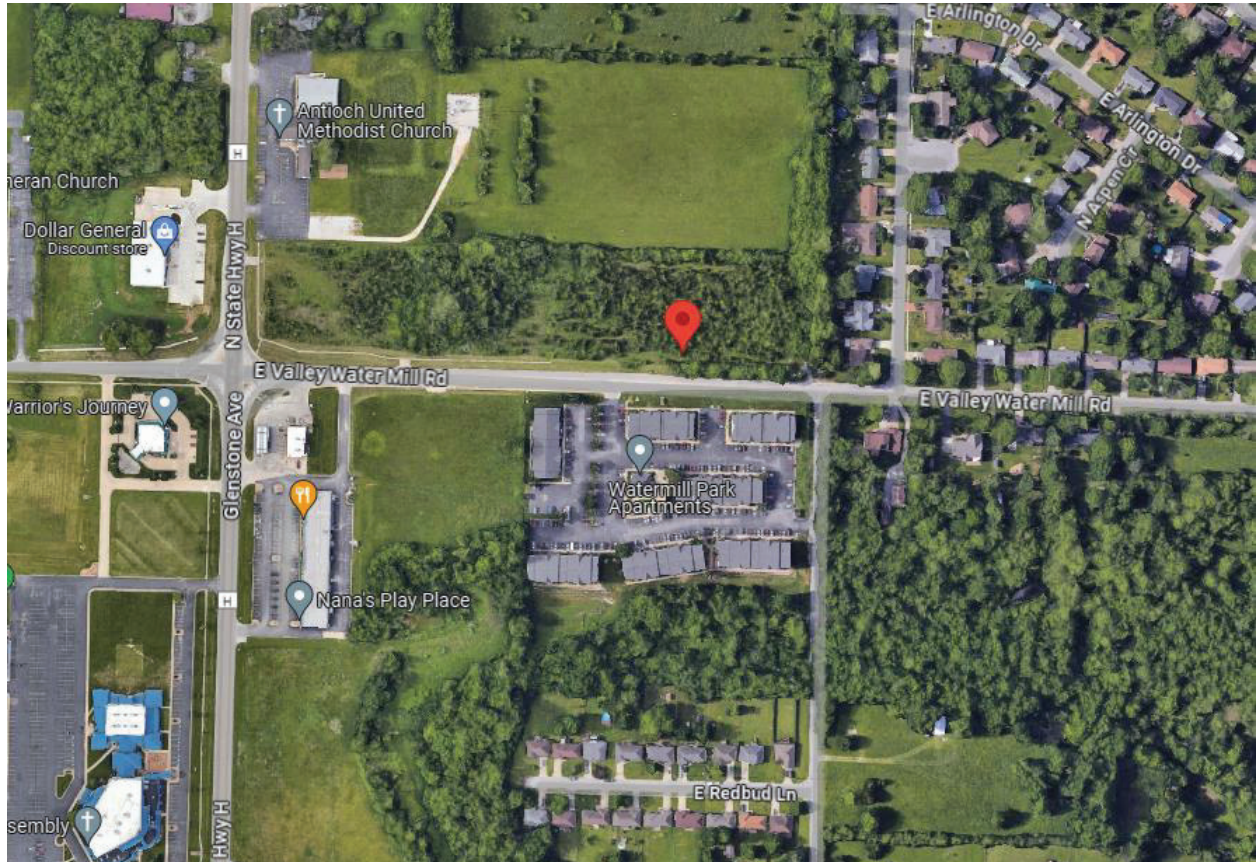
Case Number:	Final Development Plan – Planned Development 303
Location:	1735 E Valley Water Mill Road
Total Acres:	3.48 acres
Applicant:	Triple S Properties Inc.
Existing Land Use:	Undeveloped Land
Planning and Zoning Commission:	March 14, 2024
City Council:	April 8, 2024
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

Request to approve the final development plan of Planned Development No. 303, on approximately 3.48 acres of property generally located at 1735 East Valley Water Mill Road for a multi-family development.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property was rezoned from Greene Co. R-1 to PD 303 in September 2006.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as 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.

ZONING ORDINANCE REQUIREMENTS:

Sec. 36-405 (9), states in part:

- (e) *Action by planning and zoning commission.* Within 45 days following the submission by the applicant or referral from the administrative review committee of a complete application for the final development plan, or such longer period as may be agreed to by the applicant, the planning and zoning commission shall review the plan with respect to its conformity to the approved preliminary development plan; with respect to the merit or lack of merit of any departure of the final development plan from substantial conformity with the preliminary development plan; and with respect to compliance of the final development plan with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable federal, state and city codes, ordinances and regulations.

If the planning and zoning commission finds that there is substantial conformity between such plans and shall further find the final development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable, federal, state and city codes, ordinances and regulations, it shall approve the final development plan. Planning and zoning commission action shall constitute final approval of the final development plan.

If the planning and zoning commission shall find that the final development plan lacks substantial conformity to the preliminary development plan but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the city council together with its recommendation that the final development plan be approved.

DEVELOPMENT REVIEW STAFF REPORT

In any case, where the planning and zoning commission finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall transmit such plan to the city council, together with its recommendation that the final development plan not be approved. The failure of the commission to act within the aforesaid time period shall be deemed a recommendation to the city council to deny the final development plan as submitted.

- (f) *Action by city council.* Within 45 days, or such longer period as may be agreed to by the applicant, following the action of the planning and zoning commission, or its failure to act as provided, the city council shall either refuse to approve the final development plan, shall refer it back to the planning commission for further consideration of specified matters; or shall, by ordinance duly adopted, approve the final development plan, with or without modifications to be accepted by the applicant, as a condition of such approval. The failure of the city council to act within the aforesaid time period shall be deemed a final denial of final development plan approval.
- (g) *Notice and recording of final development plan.* Within seven days following the final disposition of an application for final development plan approval, the secretary of the planning and zoning commission shall mail notice thereof to the applicant and to all city officials, departments, bureaus, boards and commissions whose duties might be affected by such disposition. When a final development plan is approved, the secretary shall, within ten days of its approval, file a copy of the entire final development plan in the permanent records of the planning and zoning commission.

DEPARTMENT COMMENTS:

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with Final Development Plan.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues with FDP.

FIRE DEPARTMENT:

As agreed, a fire apparatus turn-around easement of 35 feet of the west end of the fire lane shall be granted and no bollards shall be installed in the east end of the fire lane.

DEVELOPMENT REVIEW STAFF REPORT

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. Valley Water Mill Road	Secondary Arterial	City	35	35	NA	No	Yes	No
Street 3	N. Waverly Avenue	Local	City	25	0	NA	No	Yes	No

ACCESS - All access to the development shall be per PD 303 and current City of Springfield standards for the street classification.

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

IMPROVEMENTS - The new street (Waverly Avenue) must be constructed to City of Springfield Local Street standards which includes sidewalk on one side. Public Improvement Plans are required to be submitted, approved and improvements constructed, or funds escrowed prior to approval of the final plat. A traffic study is not required.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

The property is in the **South Dry Sac** 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 **is not applicable because detention is already provided**.

The FDP meets Stormwater Requirements. Please note that development of the property will be subject to the following conditions at the time of development:

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

DETENTION AND DISCHARGE REQUIREMENTS

1. Detention Basin constructed as Regional Basin (7PW5979). Drains to Sinkhole 7054.

WATER QUALITY REQUIREMENTS

1. Water Quality provided by regional basin built as 7PW5979.
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

DEVELOPMENT REVIEW STAFF REPORT

NATURAL CHANNEL & STREAM BUFFERS

N/A

SINKHOLES & KARST FEATURES

1. Sinkhole 7054 is mapped and boundary set. The detention basin is discharging to the sinkhole.

ADDITIONAL STORMWATER REQUIREMENTS

N/A

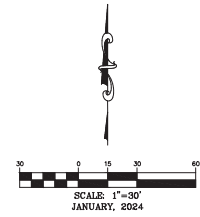
STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting approval of the final development plan of Planned Development No. 303 on approximately 3.48 acres of property generally located at 1735 E Valley Water Mill Road for a multi-family development.
2. The subject property is currently being platted with the Preliminary Plat of Valley Water Mill Estates.
3. The Administrative Review Committee (ARC) recommended approval of the Final Development Plan on date January 18, 2024.
4. The final development plan for developments in Planned Development 303 requires recommendation by Planning and Zoning Commission and approval by City Council.

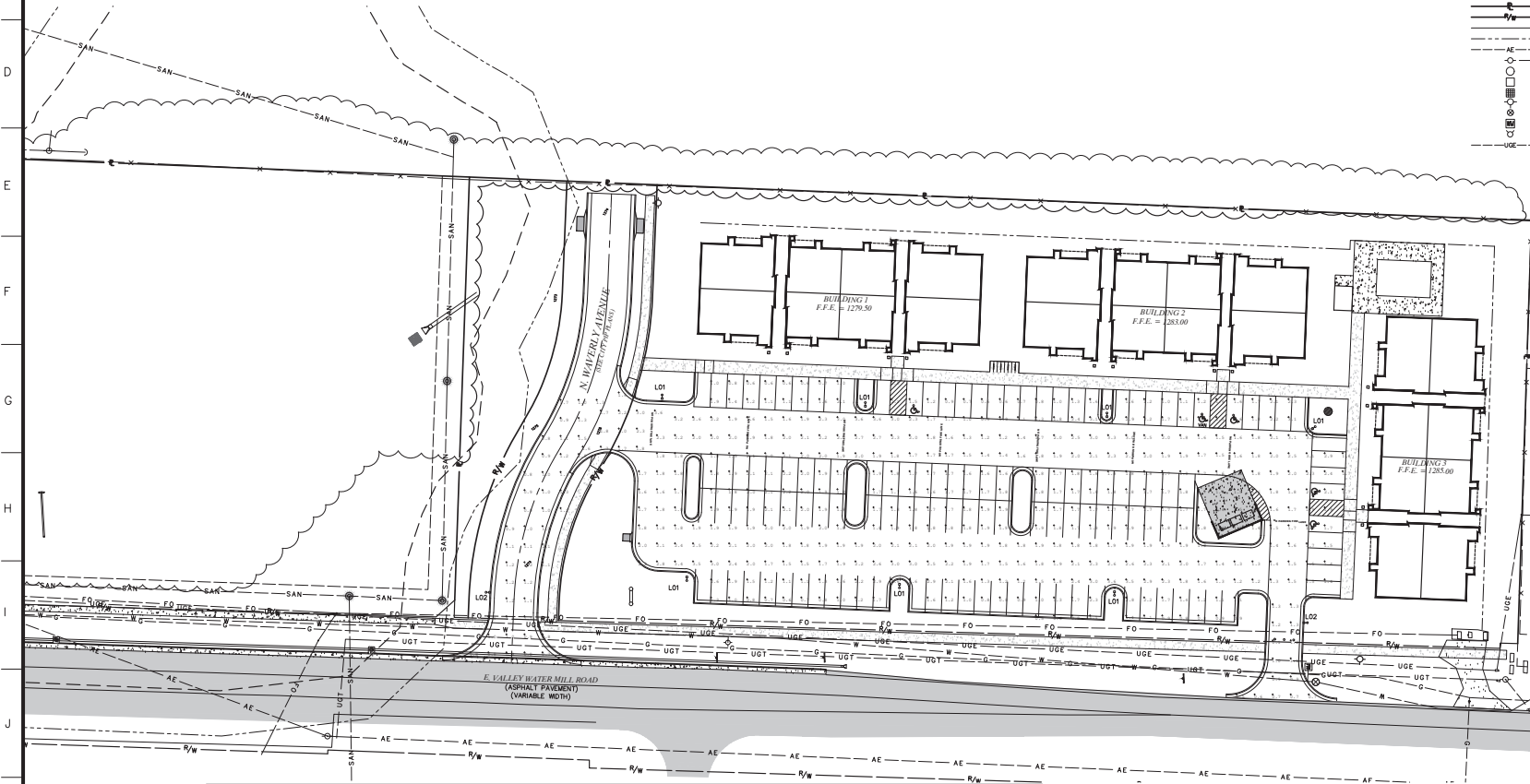
STAFF RECOMMENDATION:

1. The final development plan is in substantial conformity to the Planned Development Ordinance approved by City Council and staff recommends approval.

SITE PHOTOMETRICS PLAN



LEGEND	
EXISTING	PROPOSED



Luminaire Schedule					
Symbol	Qty	Label	Arrangement	Description	LLF
	2	L02	Single	1 RSK2 LED P2 40K R5 MVOLT SPA ON 25' POLE AND 3' CONCRETE BASE	0.900
	7	L01	Single	1 RSK2 LED P2 40K R3 MVOLT SPA ON 25' POLE AND 3' CONCRETE BASE	0.900

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
parking lot	illuminance	fc	1.79	3.8	0.5	3.58	7.60
south entrance	illuminance	fc	0.97	1.3	0.5	1.94	2.60
west drive	illuminance	fc	1.04	1.5	0.7	1.49	2.14
west entrance	illuminance	fc	2.08	3.6	1.6	1.30	2.25

PRELIMINARY DRAWING

FOR REVIEW PURPOSES ONLY
NOT TO BE USED FOR CONSTRUCTION

215 S. 4th St., Ste. 100
Des Moines, IA 50319
417-266-4100
info@ochaan.com

OCCHAAN

Missouri State Certificate
of Authority Number:
Engineering - 007630025

Services:
• Architecture
• Civil Engineering
• Land Surveying
• Mechanical Engineering
• Electrical Engineering
• General Consulting
• Master Planning

This study was prepared by the staff of the firm named above and is not to be used for any other project without the written consent of the firm named above.

All OSHA rules & regulations shall be followed. The contractor is responsible for proper construction methods for proper safety. (e.g., trenching, shoring, etc.)

SITE IMPROVEMENT PLANS

E. VALLEY WATER MILL ROAD

SPRINGFIELD, MO

SITE PHOTOMETRICS PLAN

DATE: JAN. 8, 2024

BY: JBS

CHECKED BY: TES

SCALE: 1" = 30'

PROJECT NO: SW23-546

C4

Sparlin, Michael

From: STIDZ Media <stidzmedia@gmail.com>
Sent: Wednesday, March 13, 2024 4:59 PM
To: Zoning@springfieldmo.gov
Subject: 1735 E Valley Water Mill - Zoning

****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 Bruce Stidham and I live at 3625 N Stewart Ave, just to the east of the proposed residential development at 1735 E Valley Water Mill. Myself and my fellow neighbors have never been contacted about this new development but I was kindly sent a drawing of the proposal two days ago by Andrew at planning and zoning.

We are VERY concerned about the recent clearing of the forest on this land that destroyed the deer habitat, and furthermore the damage to the extensive Bat and Owl habitat that exists on this land. I am unable to appear at the upcoming planning and zoning meeting on March 14th as I am out of town on business.

Is there anyone I could speak to about this situation?

Regards,

Bruce Stidham

--

Bruce E. Stidham
Proprietor - **STIDZ Media**
Email: stidzmedia@gmail.com
Website: www.stidzmedia.com
Phone: (417) 838-7339



EXPLANATION TO COUNCIL BILL 2024-064 (HARDINGER)

FILED: 04/15/2024

ORIGINATING DEPARTMENT: Human Resources

TITLE: A special ordinance authorizing the payment of a one-time, \$2,000 retention incentive payment for eligible employees in the positions of 911 Telecommunicator, 911 Telecommunicator Lead, and 911 Shift Supervisor.

PURPOSE: To approve a retention incentive payment for specific 911 dispatcher positions, including all employees in the positions of 911 Telecommunicator, 911 Telecommunicator Lead, and 911 Shift Supervisor.

BACKGROUND INFORMATION: The City's Emergency Communications Department and the 911 industry have experienced unprecedented staffing shortages and difficulty retaining top talent in 911 dispatching positions. This situation has significantly strained operations and increased overtime for the City's existing workforce, yet the current 911 staff continues to operate at an extraordinarily high level. These city employees continue to demonstrate resilience in delivering critical emergency dispatching services to the citizens of Springfield and throughout Greene County.

Considering the current situation, the City is focused on several strategies for recruiting and retaining 911 dispatchers. This Council Bill details one of the strategies to retain current staff by presenting a one-time retention payment for employees of the City's Emergency Communications Center. Based on this strategy, a \$2,000 Retention Pay lump sum payment will be made to eligible employees on the May 9, 2024 payroll payment. To be eligible, an employee must be employed in one of the three positions as of April 28, 2024.

BUDGET NOTES: Funding was allocated and included in the current Fiscal Year 2024 budget that City Council adopted.

REMARKS: The recommendations and explanations are consistent with City Council's policies.

Submitted By: Darla Morrison, Director of Human Resources

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



Attachments: 1. 911 Retention Payment_Ord

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 04-02-24

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-064

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the payment of a one-time, \$2,000 retention incentive payment for
2 eligible employees in the positions of 911 Telecommunicator, 911
3 Telecommunicator Lead, and 911 Shift Supervisor.
4 _____
5

6 WHEREAS, the Springfield-Greene County 9-1-1 Emergency Communications
7 Department has experienced staffing shortages and difficulty retaining staff in 911
8 dispatching positions; and
9

10 WHEREAS, a proposed one time retention incentive payment for employees in the
11 positions of 911 Telecommunicator, 911 Telecommunicator Lead, and 911 Shift
12 Supervisor was presented to the Greene County Commission and was included in the
13 Greene County budget allocation for salary expenses for the Springfield-Greene County
14 9-1-1 Emergency Communications Department; and
15

16 WHEREAS, the intergovernmental agreement between the City and Greene County
17 regarding the 9-1-1 Emergency Communications Department provides that the City will
18 pay all expenses necessary for operating the 9-1-1 Emergency Communications
19 Department and will then invoice Greene County for such expenses, and Greene
20 County will remit payment for approved expenses.
21

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

25 Section 1 – City Council hereby authorizes a one-time retention incentive payment of
26 \$2,000 to be paid to eligible employees within the 9-1-1 Emergency Communications
27 Department, as follows: All full-time employees that are employed, as of April 28, 2024,
28 in the positions of 911 Telecommunicator, 911 Telecommunicator Lead, or 911 Shift
29 Supervisor, shall receive a \$2,000 retention payment which will be included within their
30 May 9, 2024, payroll payment.
31

32 Section 2 – This Ordinance shall be in full force and effect from and after passage.
33

34 Passed at meeting: _____

35

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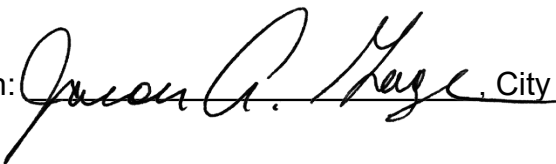
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager



EXPLANATION TO COUNCIL BILL 2024-065 (LEE)

FILED: 04/15/2024

ORIGINATING DEPARTMENT: Finance

TITLE: A special ordinance authorizing the City of Springfield, Missouri, to enter into a Funding, Licensing, and Services Agreement with Ozark Greenways, Inc., a Missouri Nonprofit Corporation, for the purpose of funding the Multi-Trail Gap Planning and Design Project for the not to exceed price of One Hundred Eighty Two Thousand and 00/100 Dollars (\$182,000.00); authorizing the City Manager or designee to execute the same by and on behalf of the City of Springfield; and amending the FY2023-2024 Adopted Budget by appropriating carryover funds from the FY2022-2023 Adopted Budget and increasing expenses in the amount of One Hundred Eighty Two Thousand and 00/100 Dollars (\$182,000.00).

PURPOSE: Authorizing the City to enter into an agreement with Ozark Greenways for the purpose of funding the Multi-Trail Gap Planning and Design Project for the not to exceed price of \$182,000.00 and amending the FY2023-2024 Adopted Budget by appropriating carryover funds from the FY2022-2023 Adopted Budget in the amount of \$182,000.00.

BACKGROUND INFORMATION: The City has \$182,000 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 FY2023-2024 budget to provide one-time funds for the Multi-Trail Gap Planning and Design Project in the amount of \$182,000.00. The City also wishes to contract with Ozark Greenways to apply for an 80/20 matching grant through the Ozarks Transportation Organization. Funds will be used for the planning and design of “shovel ready” projects, specifically five trail segment connections that will provide for 18.94 miles of connected trail and close 3.01 miles of gaps with 10’ concrete multi-use trail. If Ozark Greenways’ grant application is unsuccessful, the funds will be returned to the City.

Submitted By: David Holtmann, Director of Finance

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

Attachments:

1. City Manager Ord Authorizing Contract with Ozark Greenways for Trail Gap Project (1)
2. Draft Funding Service and License Agreement_Ozark Greenways_04 03 2024_clean

3. Carryover BA Ozark Greenways - Multi-Trail Gap Planning and Design Project

Sponsored by: Lee

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-065

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City of Springfield, Missouri, to enter into a Funding, Licensing, and
2 Services Agreement with Ozark Greenways, Inc., a Missouri Nonprofit
3 Corporation, for the purpose of funding the Multi-Trail Gap Planning
4 and Design Project for the not to exceed price of One Hundred Eighty
5 Two Thousand and 00/100 Dollars (\$182,000.00); authorizing the City
6 Manager or designee to execute the same by and on behalf of the City
7 of Springfield; and amending the FY2023-2024 Adopted Budget by
8 appropriating carryover funds from the FY2022-2023 Adopted Budget
9 and increasing expenses in the amount of One Hundred Eighty Two
10 Thousand and 00/100 Dollars (\$182,000.00).
11 _____
12

13 WHEREAS, there are \$182,000.00 in carryover funds remaining from the fiscal
14 year 2022-2023 budget; and
15

16 WHEREAS, carryover funds occur when actual revenue exceeds the City's
17 budget estimates or actual expenses are lower than the City's budget estimates; and
18

19 WHEREAS, City Council desires to amend the budget to provide one-time
20 funding for certain activities from carryover funds, specifically funding the Multi-Trail
21 Gap Planning and Design Project; and
22

23 WHEREAS, the City wishes to amend the budget for Fiscal Year 2023-2024 to
24 appropriate \$182,000.00 in carryover funds from Fiscal Year 2022-2023 and to provide
25 for \$182,000.00 in costs expected to be incurred, as set forth in "Exhibit B," Budget
26 Adjustment 061.
27

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

31 Section 1 – That the Funding, Licensing, and Services Agreement with Ozark
32 Greenways, Inc., a Missouri Nonprofit Corporation, for the purpose of funding the Multi-
33 Trail Gap Planning and Design Project for the not to exceed price of One Hundred

Eighty Two Thousand and 00/100 Dollars (\$182,000.00), a true and accurate copy of said Agreement being attached hereto and incorporated by reference as "Exhibit A," be and the same is hereby approved.

Section 2 – That the City Manager, or designee, is hereby authorized and directed to execute said Agreement, in the same or substantially similar form, by and on behalf of the City of Springfield.

Section 3 – The budget of the City of Springfield, Missouri, for Fiscal Year 2023-2024, is hereby amended in the accounts and amounts shown on Budget Adjustment No. 061, a true and accurate copy of the same being attached hereto and incorporated by reference as "Exhibit B."

Section 4 – City Council hereby finds that the budget adjustment made in Section 3 herein has been recommended by the City Manager.

Section 5 – The City Manager is hereby authorized and directed to cause the appropriate accounting entries to be made in the books and records of the City.

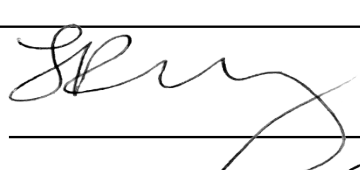
Section 6 – This Ordinance shall be in full force and effect from and after passage.

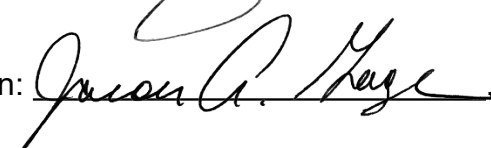
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, City Attorney or Assistant City Attorney

Approved for Council action:  _____, City Manager

FUNDING, LICENSE, AND SERVICES AGREEMENT

THIS AGREEMENT ("this "Agreement") is made and entered into this ____ day of _____, 20__ ("the Effective Date"), by and between the City of Springfield, Missouri, a Missouri Municipal Corporation ("City"), and Ozark Greenways, Inc., a Missouri Nonprofit Corporation ("Greenways").

WITNESSETH:

WHEREAS, the Parties entered into Contract Number 2023-0801, a Funding Memorandum and Services Agreement, on or about June 30, 2023 ("the Master Agreement"); and

WHEREAS, the Master Agreement contemplates future Funding, License, and Service Agreements such as this Agreement; and

WHEREAS, City desires to enter into this Agreement for the purpose of funding the services described herein related to the Multi-Trail Gap Planning and Design Project for the not to exceed price of \$182,000; and

WHEREAS, Greenways desires to enter into this Agreement for the purpose of performing the services described herein related to the Multi-Trail Gap Planning and Design Project for the not to exceed price of \$182,000.

NOW, THEREFORE, in exchange for valuable consideration each received from the other, the receipt and sufficiency of which is hereby acknowledged, the Parties do hereby agree as follows:

PART A

ARTICLE 1: SCOPE OF SERVICES

- 1.1 Scope of Services:** Greenways agrees to perform the services herein set forth in connection with the project described in **Part B** in a satisfactory and proper manner as determined by City and in accordance with the terms set forth in this Agreement.
- 1.2 Non-Municipal Personnel and Services:** Greenways will secure, at Greenways' own expense, all personnel required to perform the services called for under this Agreement by Greenways. Such personnel shall not be employees of or have any contractual relationship with City except as employees or independent contractors of Greenways. All of the services required hereunder will be performed by Greenways or under Greenways' direct supervision, and all personnel engaged in the services shall be fully qualified and shall be authorized under state and local law to perform such services.
- 1.3 Period of Performance:** The services of Greenways are to commence as soon as practicable on or after the date of this Agreement, and shall be undertaken and completed in such sequence as to assure their expeditious completion in light of the purposes of this Agreement. Greenways must incur all costs associated with the project by April 22, 2025, and must expend all funds by October 22, 2025.

ARTICLE 2: COMPENSATION AND USE OF FUNDS

- 2.1 Regulation for Use of Funds:** The use of funds received pursuant to this Agreement shall be in accordance with the requirements of City; other regulations governing the use of these funds; and any amendments or policy revisions thereto which shall become effective during the term of this Agreement. *It is Greenways' responsibility to read, understand, and comply with these regulations.*
- 2.2 Vendor Registration:** Greenways must complete the necessary paperwork to become a vendor of City before any payment can be made. This includes completing City's vendor registration form(s), providing Greenways' current W-9, and City staff verifying Greenways' taxpayer ID with the IRS. The address on the Vendor Registration form must agree with the address on the invoice requesting reimbursement. If there are any changes, a new Vendor Registration form must be completed.
- 2.3 Total Payments:** City is limited by law with respect to the amount of money it can pay. Greenways expressly understands that in no event will the total amount of funds provided by City to Greenways under this Agreement exceed the sum of \$182,000. The Parties acknowledge and agree that the purpose of this contract is to provide 20% matching funds for an award of grant funding from the Ozark Transportation Organization in 2024. The Parties further acknowledge and agree that this contract is conditioned on Greenways' receipt of said grant funds, and, to the extent that said grant funds are not awarded to Greenways, any unused matching funds will be returned to City.
- 2.4** this contract is conditioned on Greenways' award of grant funding from the Ozarks Transportation Organization
- 2.5 Procurement Methods:** Greenways must have and use documented procurement procedures, consistent with the City's procurement policy, for the acquisition of property or services required under this Agreement.

ARTICLE 3: PROGRAM MONITORING

- 3.1 General:** City staff may evaluate progress based on the objectives, criteria, work schedule, and budget in **Parts B and C**, to determine if it is consistent with the initial purpose of the project and in compliance with City requirements. All data necessary to review and monitor project progress as determined by the City will be made available to City personnel or an auditor as designated by the City to oversee compliance monitoring. This includes, but is not limited to performance records and interviews with Greenways' staff, as required by City.
- 3.2 Financial Monitoring:** City staff may monitor, review, and evaluate the financial procedures of Greenways. All data necessary to review and monitor the financial procedures as determined by the City will be made available to City personnel or an auditor as designated by the City to oversee financial monitoring. This includes, but is not limited to financial records and interviews with Greenways' staff, as required by City.

- 3.3** **Projects Involving Construction or Renovation, or the Planning/Design for Either:** For all projects requiring construction or renovation, or for plans and design for future construction/renovation, Greenways must comply with the City building code, all zoning regulations, and meet or exceed any designs and/or specifications provided by City staff.

ARTICLE 4: AUDITS AND INSPECTIONS

- 4.1** **Audits and Inspections:** Greenways must establish an adequate accounting system on a current basis in accordance with generally accepted accounting principles and standards and in accordance with any specific requirements of the Director of Finance of City. Greenways personnel will make available to City staff, and any other auditor authorized by City, all program and accounting records and financial statements needed or requested by City or its Auditor(s). If any portion of the funds approved by this Agreement is subcontracted to other organizations for the delivery of objectives and criteria, Greenways will ensure that the fiscal and performance records of the subcontractor will be available for inspection by City personnel or duly authorized auditors by including appropriate clauses in all of its subcontracts that Greenways records must be available for review or audit by the appropriate officials of City.

ARTICLE 5: DOCUMENTATION AND RECORD KEEPING

- 5.1** **Establishment and Maintenance of Records:** Greenways shall establish and maintain records as prescribed by City, with respect to all matters covered by this Agreement.
- 5.2** **Record Requirements:** Greenways shall maintain all records required by the State of Missouri and/or City, and that are pertinent to the activities to be funded under this Agreement. Such records shall include but are not limited to:
- a. Records providing a full description of each activity undertaken;
 - b. Records required to determine the eligibility of activities;
 - c. Financial records that document all transactions and that can be properly documented and audited;
 - d. Copies of all bid documents, bids received, RFPs, RFQs, and any other procurement documents;
 - e. Copies of all third party or subcontracts; and
 - f. Detailed records on the Greenways' organization, financial and administrative systems, and the specific City-funded project(s) or activities.
- 5.3** **Retention of and Access to Records:** Greenways must consult with and remain in compliance with the Record Retention Guidelines published by the Missouri Secretary of State. If any litigation, claim, negotiation, or other action involving the records has been started before the expiration of the established retention period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. Greenways agrees that City, or any of its authorized representatives has access to and the right to examine all records which are pertinent to this Agreement. The right also includes timely and reasonable access to Greenways' personnel for the purpose of interview and discussion related to such records. The same right to review will be imposed upon any third party or subcontractor of Greenways.

ARTICLE 6: TERMINATION

6.1 Termination:

- a. Termination for breach: In the event that Greenways fails to comply with any term of this Agreement, City may suspend or terminate this Agreement, in whole or in part, or take other remedial action as it determines appropriate. Should City desire to terminate this Agreement for noncompliance, it shall first give written notice of the reason for proposed termination. The notice shall set forth the following:
 - i. Reasonable description of the default/reason for termination;
 - ii. Demand for a cure; and
 - iii. Statement of reasonable time within which a cure must be effected. Such reasonable time will be presumed to be not less than five, nor more than fifteen, business days. Such times shall be measured from the actual receipt of said notice.

If Greenways cures the default within the reasonable period of time set forth in the notice, or as otherwise agreed in writing between the parties, City shall not terminate the Agreement and the written notice of proposed termination shall be deemed revoked, null and void.

In the event of termination of this Agreement by City, when termination is due to Greenways noncompliance as set forth above, Greenways shall forfeit to City all unexpended monies provided under the Agreement.

- b. Termination for convenience: City may also terminate this Agreement for convenience with at least fifteen business days' written notice to Greenways.
- c. Termination for insufficient funding: Funding to be made available by City under this Agreement has been approved by the City Council. In the event that sufficient funds are not appropriated, at the sole discretion of City, this Agreement may be terminated in whole or in part with fifteen business days' written notice to Greenways.

ARTICLE 7: MISCELLANEOUS CLAUSES AND NOTICES

- 7.1 Terms Herein Controlling Provisions**: The terms of this Agreement shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the Agreement.
- 7.2 Entire Agreement**. This Agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this Agreement shall be effective unless in writing specifically referring hereto and signed by all parties.
- 7.3 Assignability**: Neither City nor Greenways shall assign, sublet, or transfer any interest in this Agreement without the prior written consent of the other.
- 7.4 Subcontracting/Third Party Contracts**: Greenways agrees to furnish City with a copy of any and all third-party contracts that it executes in the performance of the work to be undertaken within the scope of this Agreement. Greenways agrees to incorporate or cause to be incorporated in all third-

party contracts or subcontracts funded under or as part of this Agreement provisions requiring all applicable Federal, State, and local laws, rules, and regulations to be adhered to in accordance with all parts of this Agreement. Specifically, Greenways agrees to require and monitor compliance by all contractors, subcontractors, and other third parties. Any third-party contract that is not in accordance with the outlined budget in this Agreement will be subject to the advance, written approval of City. Furthermore, City shall not be obligated or liable hereunder to any party other than Greenways.

7.5 **Headings.** The headings or captions of this Agreement are for convenience and reference only, and in no way define, limit, or describe the scope or intent of this Agreement or any provision hereof.

7.6 **Third Party Exclusion.** This Agreement is intended solely for the benefit of City and Greenways and is not intended to benefit, either directly or indirectly, any third party or member(s) of the public at large. No third party may sue for damages based on the terms or performance of this Agreement.

7.7 **Independent Contractor:** This Agreement does not create an employee/employer relationship between the parties. It is the parties' intention that Greenways will be an independent contractor and not City's employee for all purposes, including, but not limited to: the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, Missouri revenue and taxation laws, Missouri workers' compensation and unemployment insurance laws. Greenways will retain sole and absolute discretion in the judgment of the manner and means of carrying out Greenways' activities and responsibilities hereunder. Greenways agrees that it is a separate and independent enterprise from City, that it has a full opportunity to find other work, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the services. This Agreement shall not be construed as creating any joint employment relationship between Greenways and City, and City will not be liable for any obligation incurred by Greenways, including but not limited to unpaid minimum wages and/or overtime premiums.

7.8 **Liability and Indemnity.** The parties mutually agree to the following:

- a. In no event shall City be liable to Greenways for special, indirect, or consequential damages, except those caused by City's gross negligence or willful or wanton misconduct directly and solely resulting in a breach of this Agreement.
- b. Greenways shall defend, indemnify, and hold City harmless from and against all claims, including but not limited to losses, and liabilities arising out of personal injuries, including death, and damage to property, which are caused by Greenways arising out of or in any way connected with this Agreement.
- c. Greenways shall indemnify and hold City harmless from all wages or overtime compensation due Greenways' employees in rendering services pursuant to this Agreement, including payment of reasonable attorney fees and costs in the defense of any claim made under the Fair Labor Standards Act or any other federal or state law.

7.9 Insurance: Without limiting any of the other obligations or liabilities of Greenways, Greenways shall secure and maintain, at its own cost and expense, throughout the duration of this Agreement, and until the work is completed and accepted by City, insurance of such types and in such amounts as may be necessary to protect it, and the interests of City, against all hazards or risks of loss as hereunder specified, or which may arise out of the performance of this Agreement. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by City. Regardless of such approval, it shall be the responsibility of Greenways to maintain adequate insurance coverage at all times during the term of the Agreement. Failure of Greenways to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability under this Agreement.

The certificates of insurance, including evidence of the required endorsements hereunder, or the policies, shall be filed with City at the time that this Agreement is signed by Greenways. All insurance policies shall provide thirty (30) days written notice to be given by the insurance company in question prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to:

City of Springfield – Attn: City Manager’s Office, P.O. Box 8368, Springfield, MO 65801-8368 and

As of January 1, 2024, the minimum coverage for the insurance referred to herein shall be as set out below:

- a. Workers' Compensation....Statutory coverage per RSMo 287.010 et seq. Employer's Liability.....\$1,000,000.00
- b. Commercial General Liability Insurance, including coverage for Contractual Liability and Independent Contractors Liability. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least One Million and 00/100 Dollars (\$1,000,000) for all claims arising out of a single accident or occurrence. Greenways agrees that the proceeds of such insurance policy shall first be used to pay any award, damages, costs, and/or attorneys' fees incurred by or assessed against City, its employees, officers and agents, before payment of any award, damages, costs or attorney fees of Greenways, its employees, officers or agents. Greenways agrees to cause its insurer to name City as an additional insured on such insurance policy, including City as an additional insured for coverage under its products-completed operations hazard, and said policy shall be primary and noncontributory.
- c. Automobile Liability Insurance covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least One Million and 00/100 Dollars (\$1,000,000) for all claims arising out of a single accident or occurrence. Subcontractor agrees to cause its insurer to name City as an additional insured on such insurance policy.

7.10 Confidentiality of Documents: Greenways, at such times and in such forms as City may require, shall furnish to the City, such statements, records, reports, data, and information City may request pertaining to matters covered by this Agreement. Any information, data, and other related materials prepared or assembled by Greenways under this Agreement which City requests to be kept as confidential shall not be made available to anyone other than an appropriate agency of the United States government without the prior written approval of City.

- 7.11 Identification of Documents and Projects:** All projects, reports, maps, news releases, and/or other documents undertaken as part of this Agreement, other than documents exclusively for internal use with City staff, shall contain the following posted information at the project site or the front cover or title page of any reports or documents, or in the case of maps, in an appropriate block: "City of Springfield", then name of Greenways, and, in the case of written material, the month and year of preparation and the following information regarding City assistance: "The funding of this project, report, map, document, etc., was financed (in whole or in part) through an award of funds from the City of Springfield."
- 7.12 Copyrights:** If this Agreement results in a book or other material that may be copyrighted, the author is free to copyright the work, subject to City regulations. City reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use all copyrighted material and all material that can be copyrighted.
- 7.13 Patents:** Any discovery or invention arising out of or developed in the course of work aided by this Agreement shall promptly and fully be reported to City for determination by City as to whether patent protection on such invention or patent discovery shall be sought and how the rights in the invention or discovery, including rights under the patent issued thereon, shall be disposed of and administered, in order to protect the public interest. All such determinations are subject to the City regulations.
- 7.14 Anti-Trust Litigation:** For good cause, and as consideration for executing this Agreement, Greenways, acting herein by and through its authorized agent, hereby conveys, sells, assigns and transfers to City all rights, title and interest in and to all causes of action it may now or hereafter acquire under the anti-trust laws of the United States and the State of Missouri relating to the particular product, products, or services purchased or acquired by Greenways pursuant to this Agreement.
- 7.15 Payment of Taxes:** City shall not be liable for the payment of any taxes levied by the City, State, or Federal Governments against Greenways, and all such taxes shall be paid by Greenways; however, should City nevertheless pay any such taxes, greenways shall immediately reimburse City.
- 7.16 Occupational License:** Greenways shall obtain and maintain an occupational license with City, if required by Springfield City Code, as well as any required state or federal license. The cost of this occupational license shall be borne by Greenways. This Agreement will not be executed by City until this occupational license has been obtained.
- 7.17 Affidavit for Contracts Over \$5,000.00.** That pursuant to Missouri Revised Statute Sections 285.525 through 285.550, if this Agreement exceeds the amount of \$5,000.00 and Greenways is associated with a business entity, Greenways shall provide a notarized affidavit acceptable to City stating that the associated business entity is enrolled in and participates in a federal work authorization program with respect to the employees working in connection with the contracted services, and that said business entity does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. Additionally, Greenways must provide documentation for said business entity evidencing current enrollment in a federal work authorization program.

- 7.18 Nonresident/Foreign Contractors.** Greenways shall procure and maintain during the life of this Agreement: a certificate from the Missouri Director of Revenue evidencing compliance with the transient employer financial assurance law, unless exempt pursuant to the provisions of Section 285.230 RSMo.
- 7.19 Certificate of Compliance with 34.600 RSMo. (Anti-Discrimination Against Israel Act).** That pursuant to Missouri Revised Statute Sections 34.600 et., seq., Greenways must provide a written certification of compliance with the Anti-Discrimination Against Israel Act, RSMo. 34.600 et.,seq. that Greenways is not currently engaged in and shall not, for the duration of the Agreement, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel. This section shall not apply to contracts with a total potential value of less than one hundred thousand dollars or to contractors with fewer than ten employees.
- 7.20 Training Required:** It shall be the responsibility of Greenways to participate in all appropriate training conducted by or as required by City.
- 7.21 Choice of Law:** This Agreement and every question arising hereunder shall be interpreted under and governed by the laws of the State of Missouri. Should any part of this Agreement be litigated, venue shall be proper only in the Circuit Court of Greene County, Missouri.
- 7.22 Compliance with Law.** Greenways shall comply with all applicable local, state and federal laws and regulations in carrying out this Agreement, regardless of whether said local, state and federal laws are specifically referenced in this Agreement.
- 7.23 Attorney Fees.** In the event of any litigation arising from breach of this Agreement, City shall be entitled to recover from Greenways all reasonable costs incurred for such litigation, including staff time, court costs, attorney fees, and all other related expenses incurred in such litigation.
- 7.24 Notices:** All notices required or permitted hereinunder and required to be in writing may be given by one of the following means: electronic mail (if to Greenways); sending the notice by a national recognized courier service, and addressed to the party to be notified, with a written receipt of delivery; or by first class mail, with return receipt requested, addressed to City or Greenways at the addresses shown below. The date of delivery of any notice provided by courier service or first class mail shall be the date of delivery as confirmed by receipt. The date of delivery of notice by electronic mail (if to Greenways) shall be deemed to be the date transmission occurs, except where the transmission is not completed by 5:00 p.m. on a regular business day at the location of the receiving party, in which case the date of delivery shall be deemed to fall on the next regular business day for the receiving party.

To City: City of Springfield
 ATTN: City Manager
 840 N. Boonville Ave.
 Springfield, MO 65802

With a copy to: City of Springfield
ATTN: City Attorney
840 N. Boonville Ave.
Springfield, MO 65802

To Greenways: Ozark Greenways' Executive Director
650 North Boonville, Suite 201
Springfield, MO 65806

With a copy to: Ozark Greenways' Board President
650 North Boonville, Suite 201
Springfield, MO 65806

7.25 Acceptance of Agreement: This Agreement shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.

IN WITNESS WHEREOF, THE PARTIES HERETO EVIDENCE THEIR AGREEMENT TO THE TERMS OF THIS Agreement BY THEIR SIGNATURES BELOW.

GREENWAYS

CITY OF SPRINGFIELD

BY: _____
PRINT NAME & TITLE:
DATE: _____

BY: _____
CITY MANAGER OR DEPUTY CITY MANAGER
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 BY: _____ CITY ATTORNEY OR ASSISTANT CITY ATTORNEY

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PART B
GREENWAYS INFORMATION, PROJECT SCOPE, AND TIMELINE

GREENWAYS INFORMATION

Greenways: Ozark Greenways, Inc
SAM UEI: VYGPMK8DXRN9
FUND SOURCE: City of Springfield, MO, Carryover Funds from 2022-2023 Fiscal Year
Award Amount: \$182,000

Address: 650 North Boonville, Suite 201
City: Springfield
State: MO
Zip Code + 4: 65806

Contact Person: Mary Kromrey, Executive Director
Contact Email: mary@ozarkgreenways.org
Contact Phone: 417-501-4674

PROJECT SCOPE

Project Overview:

Planning and design of multi-trail gap construction project as set out in attached “Exhibit 1-A” and “Exhibit 1-B,” which are incorporated herein by reference. The City shall own any real estate interests acquired and improvements made pursuant to this Agreement, including the “Five trail segment connections” described in the exhibits.

Trail Specification Minimums Obtained from City Staff:

- *Trail width at least ten (10) foot minimum; and
- *Trail path to be constructed with at least (6) inch concrete thickness, using minimum of 4,000 psi concrete, medium broom finish, control joints ten (10) feet on center, and expansion joints a maximum of one hundred (100) feet apart.

Remainder of page intentionally left blank.

PART C
PROJECT BUDGET
OZARK GREENWAYS, INC
TRAIL-GAP PLANNING AND DESIGN

Expense	Amount
Professional Services	\$
Local Match for OTO	\$
	\$
	\$
Total project costs:	\$182,000

Remainder of page intentionally left blank.



Proposed Trail Engineering Scope

“UNGAP the MAP Trails”



Background

Ozarks Greenways is interested in investing in trail projects that will connect the larger trail system to provide a connected network that can serve as a viable transportation option. Currently, Ozark Greenways, Public Works, and the Springfield-Greene County Parks Department have identified several connections that could be the next in line to be constructed if funding were available. The engineering and environmental work will be a benefit in advancing projects to receive full funding from a variety of sources, including federal transportation alternative funding, recreational trail funding, federal discretionary grants, and foundation grants. The primary objective will be to get design and environmental clearances completed to result in the development of ready-to-go construction projects for federal funding to assist with ungapping the trail map. Five trail segment connections have been identified that will provide for 18.94 miles of connected trail and close 3.01 miles of critical gaps with 10' concrete multi-use trail.



Trail 1 - South Creek Greenway Trail – Posenke Gap

Length: 2640 Linear feet trail gap along the South Creek Greenway Trail.

Description: The gap is within the South Creek Greenway Trail alignment.

- This .5-mile trail gap along the South Creek Greenway Trail provides for a direct trail connection to Wilson's Creek Greenway Trail.
- 10' wide concrete trail
- 10' boardwalk trail
- One (1) pedestrian bridge
- Equine Fencing

Schedule: Design would begin in June 2024. Construction could begin in May 2025 with additional funding.

Background Information: In March of 1991, a plan was approved for the South Creek Greenway trail, stretching from Meador Park on the east to the Wilson's Creek Greenway trail at Tal's Trailhead on the west. On September 21, 1991, Ozark Greenways (which was still a committee under Project Parkway,) broke ground on a “test” 1,000 feet segment of the South Creek Greenway trail. Thirty-two years later, the City of Springfield obtained all of the easements and right-of-way to fill the

remaining trail gap on each end of the trail. The eastern trail gap between National Avenue and Meador Park is funded and will be under construction in 2024. Ozark Greenways will be working with Public Works and Parks on the final design, environmental clearances, and fundraising for the western end in 2024 and 2025. Construction could begin in Spring 2025 if funded.

Engineering Cost Requested: \$160,378.66 design/engineering.

- \$128,302.93 Federal, \$32,075.73 Local Match

Item Description	Unit Cost	South Creek	
		Qty	Cost
Removal of Improvements			\$ 10,000.00
Earthwork (25% of trail pavement)			\$ 49,475.00
Concrete Trail- 10' (with base)	\$ 100.00 /LF	1,979	\$ 197,900.00
Boardwalk Trail - 10'	\$ 360.00 /LF	372	\$ 133,920.00
Bridge Costs	\$ 500,000.00 /EA	1	\$ 500,000.00
Retaining Walls	\$ 75.00 /SF		\$ -
16x10 Box Culvert	\$ 2,250.00 LF		\$ -
Seeding & Mulch	\$ 12,000.00 Ac	1	\$ 7,500.00
Signalized Pedestrian Crossing	\$ 25,000.00 ea		
Signage (1%)			\$ 9,097.95
Tree Protection			\$ 11,000.00
Erosion Control (2%)	\$ 30,000		\$ 11,195.90
Mobilization (10%)	\$ 90,000		\$ 90,979.50
Contingency (20%)			\$ 205,613.67
Construction Total:			\$ 1,226,682.02
Right of Way Acquisition			
Utilities (1%)			\$ 12,336.82
Preliminary Engineering (13%)			\$ 160,378.66
Construction Engineering (20%)			\$ 246,736.40
Project Total:			\$ 1,646,133.90



Trail 2 - Wilson's Creek Greenway Trail (Ewing Park West to Rutledge-Wilson Farm Park)

Length: 6864 linear feet connection from James Ewing Park (Hillcrest Trailhead) to Rutledge Wilson Park (James Ewing Park to Rutledge Wilson).

Description:

- 10' wide concrete trail from Hillcrest Ave to Rutledge Wilson Farm Park
- Two (2) Pedestrian bridges spanning Wilsons Creek and (1) pedestrian bridge spanning smaller drainage tributary
- Elimination of at-grade road crossing with dedicated trail under West Bypass (MoDOT route)
- Trail connections to Overhill Park, James Ewing Park, & Rutledge Wilson Farm Park
- Includes parking lot ADA and safety improvements

Schedule: Preliminary Engineering could begin July 2024 with funding agreement and consultant selection.

Background Information: This 1.2-mile trail connection opens up the system to the South Creek Greenway, the Jordan Creek Greenway, Fassnight Creek Greenway, and numerous on-street bikeways. The alignment begins at the western end of James Ewing Park and the existing western edge of the Wilson's Creek Greenway where it terminates near Hillcrest Avenue. The trail will provide a connection south over the washed-out Hillcrest Bridge with a new bridge to Bennett Street for an on-street connection. The trail continues northwest staying north of Wilson's Creek, provides a second pedestrian bridge over a drainage tributary, and provides an eastern connection/trailhead into Overhill park to the northeast and adjacent to Ewing neighborhood. The trail continues traveling west and crosses Wilson's Creek with a wide pedestrian bridge following the south side of the creek. It goes under West Bypass and connects to the existing Wilson's Creek Trail in the Rutledge-Wilson Farm Park.



Abandoned Bridge culvert over Wilsons Creek- Hillcrest Ave –
Future Pedestrian Bridge

Engineering Cost Requested – \$400,023.39

- \$320,018.71 Federal, \$80,004.68 Local

Item Description	Unit Cost	Wilson's Creek	
		Qty	Cost
Removal of Improvements			\$ 10,000.00
Earthwork (25% of trail pavement)			\$ 161,250.00
Concrete Trail- 10' (with base)	\$ 100.00 /LF	6,450	\$ 645,000.00
Boardwalk Trail - 10'	\$ 360.00 /LF		
Bridge Costs	\$ 500,000.00 /EA	2	\$ 1,000,000.00
Retaining Walls	\$ 75.00 /SF		
16x10 Box Culvert	\$ 2,250.00 LF	190	\$ 427,500.00
Seeding & Mulch	\$ 12,000.00 Ac	1	\$ 7,500.00
Signalized Pedestrian Crossing	\$ 25,000.00 ea		
Signage (1%)			\$ 22,692.50
Tree Protection			\$ 18,000.00
Erosion Control (2%)	\$ 30,000		\$ 45,385.00
Mobilization (10%)	\$ 90,000		\$ 226,925.00
Contingency (20%)			\$ 512,850.50
Construction Total:			\$ 3,077,103.00
Right of Way Acquisition			\$ 100,000.00
Utilities (1%)			\$ 30,771.03
Preliminary Engineering (13%)			\$ 400,023.39
Construction Engineering (20%)			\$ 461,565.45
Project Total:			\$ 4,069,462.87



Trail 3 - Jordan Creek Greenway Trail (Mt. Vernon Street to College Street)

Length: 2,245 linear feet connecting the existing Jordan Creek Trail to College Street

Description:

- 8'-12' wide concrete trail

- Sidewalk replacement and connection to MoDOT intersection improvements at Kansas Expressway
- Elimination of three (3) at-grade road crossings providing dedicated separated route under Mount Vernon Street, Kansas Expressway (MoDOT Route), and Walnut Street
- High Visibility Crosswalk Installations using features such as contrasting pavement markings, raised crossings, and/or rectangular rapid flashing beacons

Schedule: Preliminary Engineering could begin July 2024 with funding agreements and consultant selection.

Background Information: This trail connection will bridge the gap disconnect the Jordan Creek Greenway and add a connection to the existing Wilson's Creek Greenway to the southwest. This segment of the Jordan Creek Greenway begins at Mr. Vernon Street west of Kansas Expressway and follows the Jordan Creek northeast to College street where it will continue to the east of Grant St. The alignment spurs a new sidewalk connection north on Fort to the West Meadows Trailhead with the addition of a new pedestrian bridge to traverse Jordan Creek.



College St. looking West towards Kansas Expressway and future Jordan Creek Greenway connection- Sidewalk on south side of street is currently inaccessible due to utility poles centered within path.

Engineering Cost Requested – \$137,520.44

- \$110,016.35 Federal, \$27,504.09 Local

Item Description	Unit Cost	Jordan Creek	
		Qty	Cost
Removal of Improvements			\$ 12,000.00
Earthwork (25% of trail pavement)			\$ 56,125.00
Concrete Trail- 10' (with base)	\$ 100.00 /LF	2,245	\$ 224,500.00
Boardwalk Trail - 10'	\$ 360.00 /LF		
Bridge Costs	\$ 500,000.00 /EA		
Retaining Walls	\$ 75.00 /SF	9000	\$ 450,000.00
16x10 Box Culvert	\$ 2,250.00 LF		
Seeding & Mulch	\$ 12,000.00 Ac	5	\$ 22,500.00
Signalized Pedestrian Crossing	\$ 25,000.00 ea		\$ -
Signage (1%)			\$ 7,801.25
Tree Protection			\$ 15,000.00
Erosion Control (2%)	\$ 30,000		\$ 15,602.50
Mobilization (10%)	\$ 90,000		\$ 78,012.50
Contingency (20%)			\$ 176,308.25
Construction Total:			\$ 1,057,849.50
Right of Way Acquisition			\$ 110,000.00
Utilities (1%)			\$ 10,578.50
Preliminary Engineering (13%)			\$ 137,520.44
Construction Engineering (20%)			\$ 211,569.90
Project Total:			\$ 1,527,518.33



Trail 4 - Ward Branch Greenway Trail (National Avenue to Fremont Avenue)

Length: 1,900 linear feet between E Bradford Parkway and E Independence Street, from S National Avenue to S Fremont Avenue.

Description: This project will extend the existing Ward Branch Greenway trail from its current terminus at the Cox Health Campus to the planned Fremont Avenue Multi-Use Sidepath.

Schedule: Preliminary Engineering could begin July 2024 with funding agreements and consultant selection.

Background Information: This trail was identified in *Vision 2020*. There is currently a hard surface trail built that connects to Campbell Avenue on the west. OTO Regional Trail Study identified this trail alignment in 2017. This alignment was identified in 2020 in *Forward SGF* and the *Springfield-Greene County Parks & Recreation Master Plan*.

Engineering Cost Requested - \$43,188.60

- \$34,550.88 Federal, \$8,637.72 Local

Item Description	Unit Cost		Ward Branch	
			Qty	Cost
Removal of Improvements				\$ 10,000.00
Earthwork (25% of trail pavement)				\$ 43,500.00
Concrete Trail- 10' (with base)	\$ 100.00	/LF	1,740	\$ 174,000.00
Boardwalk Trail - 10'	\$ 360.00	/LF		
Bridge Costs	\$ 500,000.00	/EA		
Retaining Walls	\$ 75.00	/SF		
16x10 Box Culvert	\$ 2,250.00	LF		
Seeding & Mulch	\$ 12,000.00	Ac	1	\$ 7,500.00
Signalized Pedestrian Crossing	\$ 25,000.00	ea		\$ -
Signage (1%)				\$ 2,450.00
Tree Protection				\$ 10,000.00
Erosion Control (2%)	\$ 30,000			\$ 4,900.00
Mobilization (10%)	\$ 90,000			\$ 24,500.00
Contingency (20%)				\$ 55,370.00
Construction Total:				\$ 332,220.00
Right of Way Acquisition				
Utilities (1%)				\$ 3,322.20
Preliminary Engineering (13%)				\$ 43,188.60
Construction Engineering (20%)				\$ 66,444.00
Project Total:				\$ 445,174.80



Trail 5 - Fassnight Creek Greenway Trail (Skate Park to Fort Avenue)

Length: 2,256 linear feet along Fassnight Creek Trail Starting at current terminus west of Parkview High School on S Thelma Ave/W Meadowmere St. to S Fort Ave.

Description:

- 10' wide concrete trail from current terminus to S Fort Ave

- One (1) pedestrian bridge crossing the Fassnight Creek
- At-grade road crossing and Rapid Flash Beacon at terminus on S Fort Ave

Schedule: Preliminary Engineering could begin July 2024 with funding agreements and consultant selection.

Background Information: This project will increase the connectivity to the Fassnight Park, including the Parkview High School, JFK stadium and sports complex, skate park and pool with the neighborhood west of Fort Ave and Fassnight Park, including multiple apartment complexes and senior living facilities. The project will provide a safe route for school children and pedestrians from the neighborhood to the park and other primary pedestrian and bicycle corridors like Grant Avenue Parkway and the Link, the major north/ south bike corridor through Springfield. There is currently a bus stop at Fort/Bennett Street so can connect citizens to the transit system. The project would be the first step to close the gap in the Fassnight Creek Trail between the park and the Jordan Creek Trail along Ewing Sports Complex. The project would fill 26% of the current gap. The Fassnight Creek trail is one of the few east/west trail corridors in central Springfield, connecting numerous parks as well as Phelps Grove Park farther east, schools and cultural institutions like the Springfield Art Museum. Extension to the existing trail was identified as a planned priority trail project in the 2017 OTO Trail Investment Study.

Engineering Cost Requested - \$168,788.10

- \$135,030.48 Federal, \$33,757.62 Local

Item Description	Unit Cost	Fassnight Creek	
		Qty	Cost
Removal of Improvements			\$ 5,000.00
Earthwork (25% of trail pavement)			\$ 53,000.00
Concrete Trail- 10' (with base)	\$ 100.00 /LF	2,120	\$ 212,000.00
Boardwalk Trail - 10'	\$ 360.00 /LF		
Bridge Costs	\$ 500,000.00 /EA	1	\$ 500,000.00
Retaining Walls	\$ 75.00 /SF	2,500	\$ 125,000.00
16x10 Box Culvert	\$ 2,250.00 LF		
Seeding & Mulch	\$ 12,000.00 Ac	2	\$ 7,500.00
Signalized Pedestrian Crossing	\$ 25,000.00 ea	1	\$ 40,000.00
Signage (1%)			\$ 9,575.00
Tree Protection			\$ 15,000.00
Erosion Control (2%)	\$ 30,000		\$ 19,150.00
Mobilization (10%)	\$ 90,000		\$ 95,750.00
Contingency (20%)			\$ 216,395.00
Construction Total:			\$ 1,298,370.00
Right of Way Acquisition			\$ 60,000.00
Utilities (1%)			\$ 12,983.70
Preliminary Engineering (13%)			\$ 168,788.10
Construction Engineering (20%)			\$ 259,674.00
Project Total:			\$ 1,799,815.80



Estimated Project Costs Summary

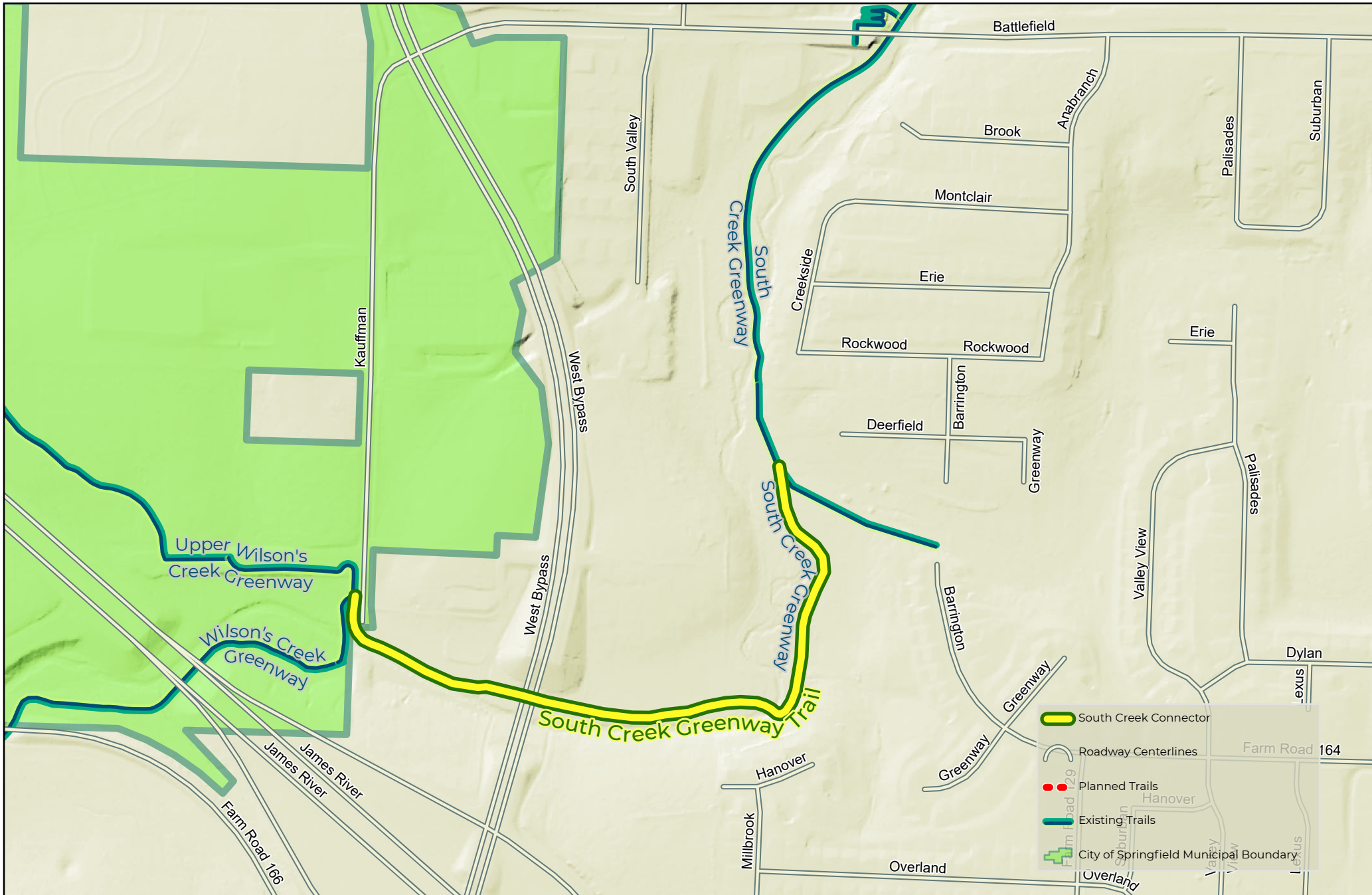
Proposed Engineering Cost: \$909,899.19 - \$727,919.35 Federal, \$181,979.84 Local

Item Description	Unit Cost	Unit	Wilson's Creek		Jordan Creek		South Creek		Ward Branch		Fassnight Creek		Totals
			Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	
Removal of Improvements		LS		\$10,000.00		\$12,000.00		\$10,000.00		\$10,000.00		\$5,000.00	\$47,000.00
Earthwork (25% of trail pavement)	\$25.00	LF	6,450	\$161,250.00	2,245	\$56,125.00	1,979	\$49,475.00	1,740	\$43,500.00	2,120	\$53,000.00	\$363,350.00
Concrete Trail - 10' width (with base)	\$100.00	LF	6,450	\$645,000.00	2,245	\$224,500.00	1,979	\$197,900.00	1,740	\$174,000.00	2,120	\$212,000.00	\$1,453,400.00
Boardwalk Trail	\$360.00	LF		\$0.00		\$0.00	372	\$133,920.00		\$0.00		\$0.00	\$133,920.00
Prefabricated Steel Bridge & Abutments	\$500,000.00	EA	2	\$1,000,000.00		\$0.00	1	\$500,000.00		\$0.00	1	\$500,000.00	\$2,000,000.00
Signalized Pedestrian Crossing	\$40,000.00	EA		\$0.00		\$0.00		\$0.00		\$0.00	1	\$40,000.00	\$40,000.00
Retaining Walls	\$50.00	SF		\$0.00	9,000	\$450,000.00		\$0.00		\$0.00	2,500	\$125,000.00	\$575,000.00
Box Culvert (16' x 10')	\$2,250.00	LF	190	\$427,500.00		\$0.00		\$0.00		\$0.00		\$0.00	\$427,500.00
Tree Protection		LS		\$18,000.00		\$15,000.00		\$11,000.00		\$10,000.00		\$15,000.00	\$69,000.00
Seeding & Mulch	\$7,500.00	ACRE	1	\$7,500.00	3	\$22,500.00	1	\$7,500.00	1	\$7,500.00	1	\$7,500.00	\$52,500.00
Signage & Pavement Markings (1%)				\$22,692.50		\$7,801.25		\$9,097.95		\$2,450.00		\$9,575.00	\$51,616.70
Erosion Control (2%)				\$45,385.00		\$15,602.50		\$18,195.90		\$4,900.00		\$19,150.00	\$103,233.40
Mobilization (10%)				\$226,925.00		\$78,012.50		\$90,979.50		\$24,500.00		\$95,750.00	\$516,167.00
Contingency (20%)				\$512,850.50		\$176,308.25		\$205,613.67		\$55,370.00		\$216,395.00	\$1,166,537.42
Construction Total				\$3,077,103.00		\$1,057,849.50		\$1,233,682.02		\$332,220.00		\$1,298,370.00	\$6,999,224.52
Right-of-Way Acquisition				\$100,000.00		\$110,000.00		\$0.00		\$0.00		\$60,000.00	\$270,000.00
Utilities (1%)				\$30,771.03		\$10,578.50		\$12,336.82		\$3,322.20		\$12,983.70	\$69,992.25
Preliminary Engineering (13%)				\$400,023.39		\$137,520.44		\$160,378.66		\$43,188.60		\$168,788.10	\$909,899.19
Construction Engineering (20%)				\$461,565.45		\$211,569.90		\$246,736.40		\$66,444.00		\$259,674.00	\$1,245,989.75
Prelim Engineering Local Funding (20%)				\$80,004.68		\$27,504.09		\$32,075.73		\$8,637.72		\$33,757.62	\$181,979.84
Prelim Engineering Federal Funding (80%)				\$320,018.71		\$110,016.35		\$128,302.93		\$34,550.88		\$135,030.48	\$727,919.35

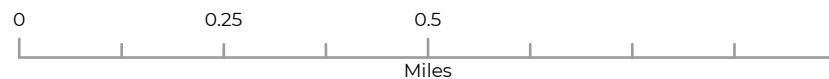
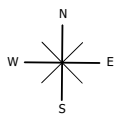
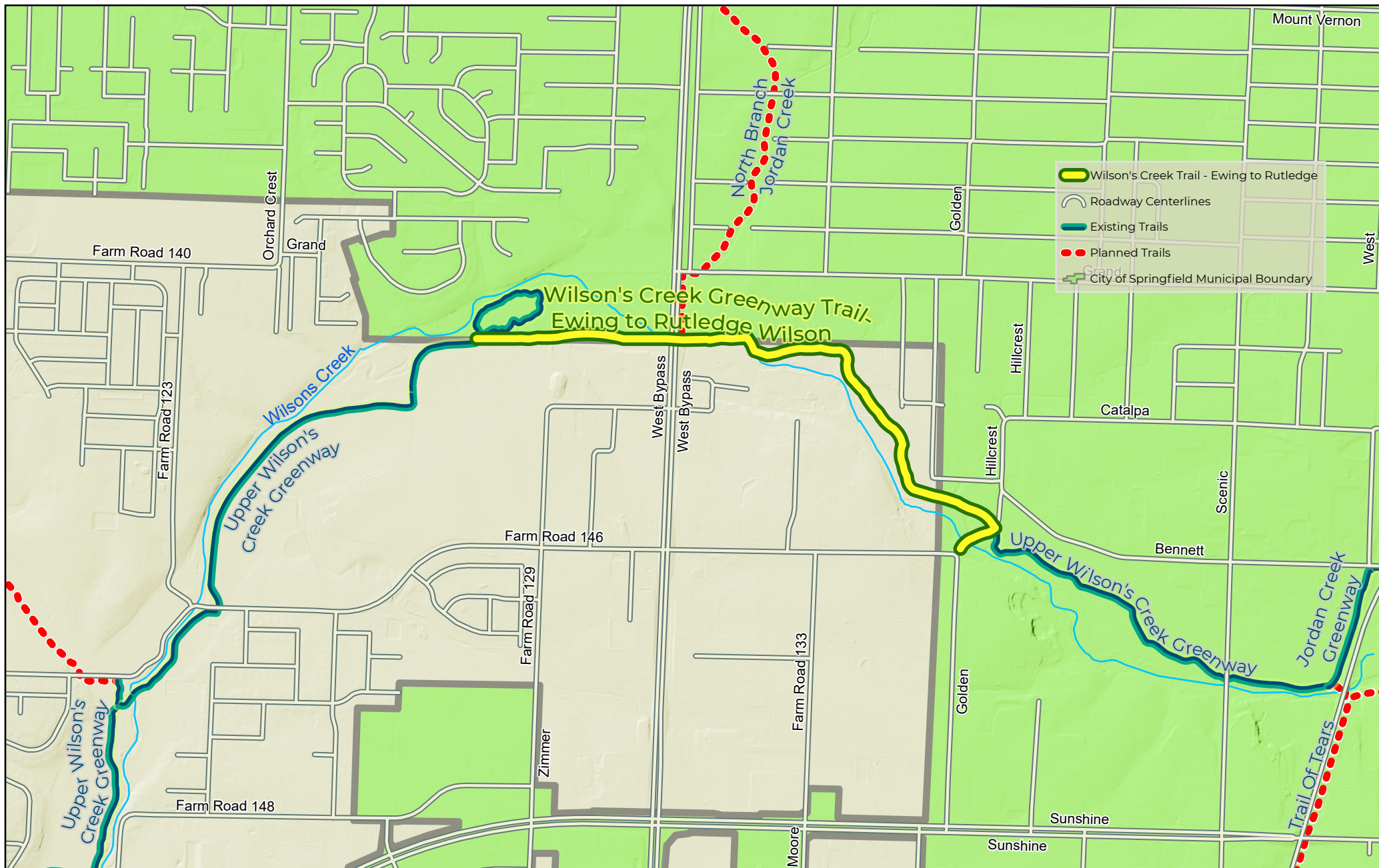
EXH A-2



South Creek Greenway Trail



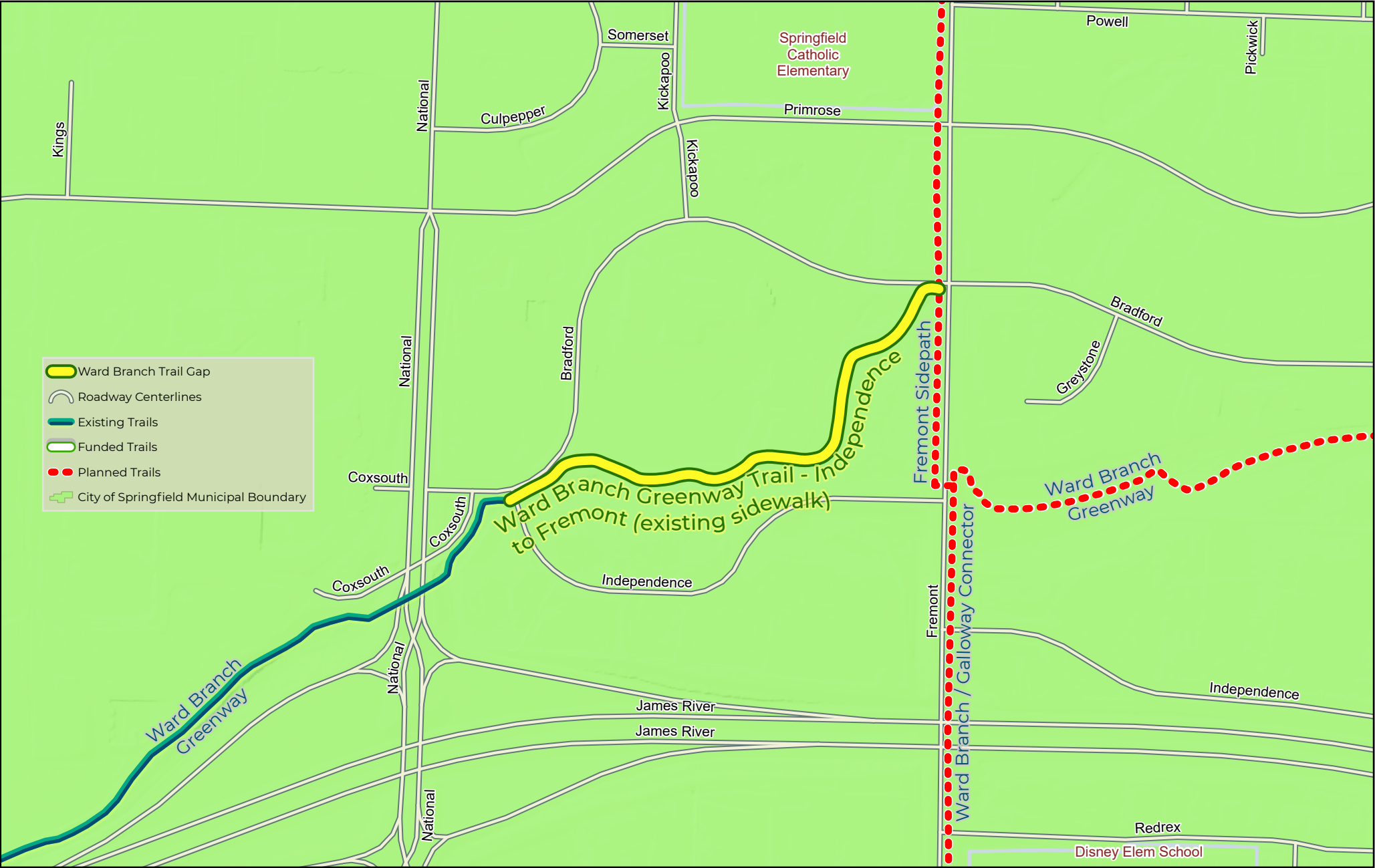
Wilson's Creek Greenway Trail



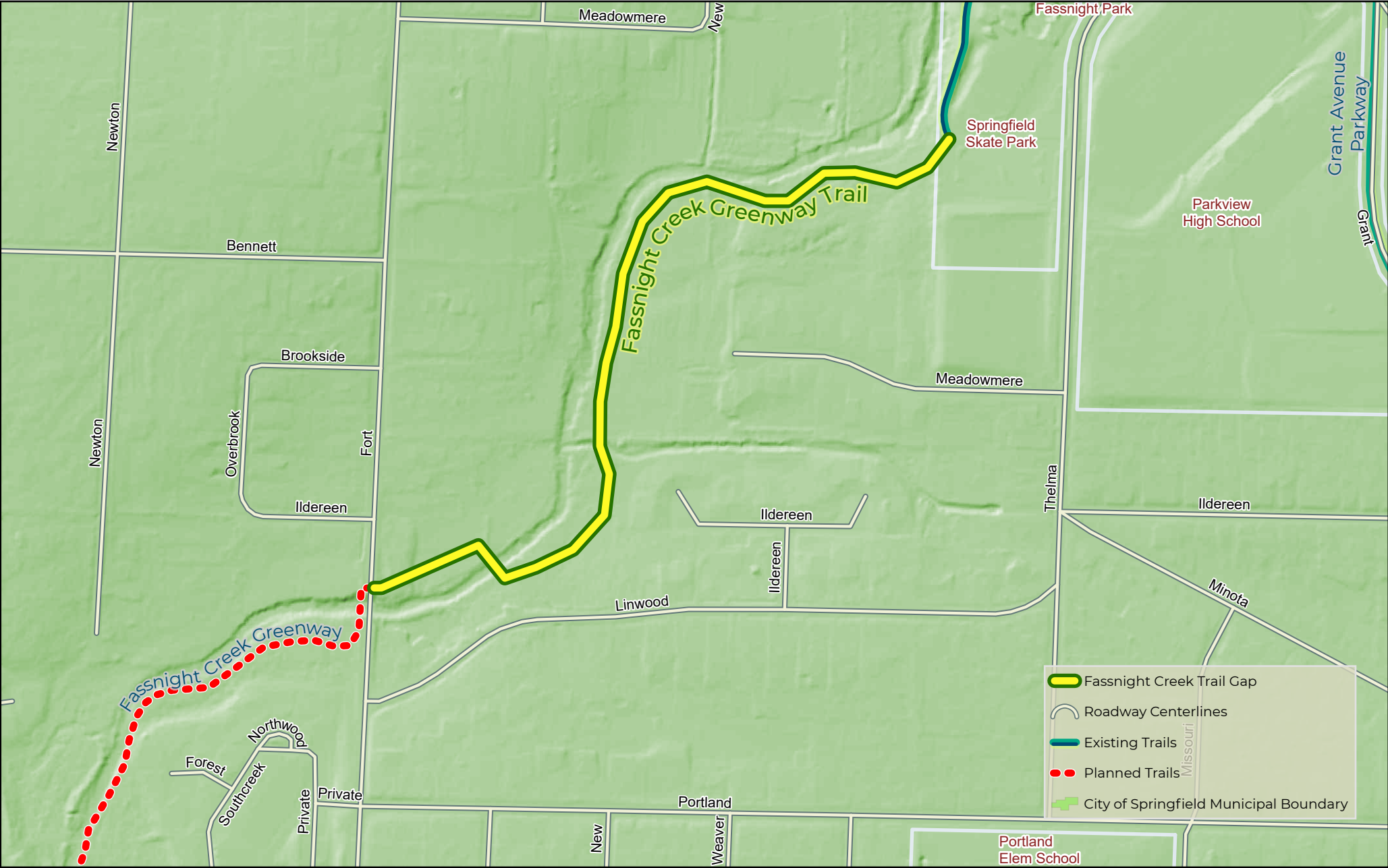
Jordan Creek Greenway Trail



Ward Branch Greenway Trail



Fassnacht Creek Greenway Trail



CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
061

Revenues:

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

Expenditures:

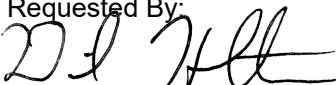
Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	16	80030	504580	000000	00000	182,000	Ozark Greenways - Multi-Trail Gap Planning and Design Project
Net Expenditure Adjustment						\$ 182,000	

Fund Balance Appropriation:

Fund	Title	Amount
10110	General Fund	(182,000)

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

Requested By:


Department Head Date 3-29-2024

Approved By:


Director of Finance Date 3-29-2024

City Manager Date

Authorization:

Council Bill No. 2024-065
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2024-069 (MCGULL)

FILED: 04/04/2024

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A resolution granting a Short-Term Rental Type 2 permit for the property generally located at 3059 North National Avenue, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

PURPOSE: Granting a Short-Term Rental Type 2 permit for the property generally located at 3059 North National Avenue, for the purpose of allowing the establishment of a Short-Term Rental Type 2 permit pursuant to Section 36-473 of the Zoning Ordinance.

BACKGROUND INFORMATION: The property owner has applied for a Short-Term Rental ("STR") Type 2 permit to establish a Short-Term Rental Type 2 at 3059 N. National Avenue. Section 36-473 of the Zoning Ordinance requires that no STR Type 2 shall be permitted on a block face with fewer than four residential structures unless an appeal is granted by the City Council. There are only three residential structures located along the block face of the subject property. Block face is defined as one side of a street from one intersection to the next, not including alleys. A residential structures' block face is determined by the mailing address assigned to the residence.

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

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

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

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

Submitted By: Corey Stinson, Associate Planner

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



Maurice S. Jones, Deputy City Manager 4/16/2024

- Attachments:**
1. STR2 National Avenue
 2. Request_Exh A
 3. Meeting Summary_Exh B
 4. Affidavit_Exh C

One-rdg. X
P. Hrngs.
Pgs. 16
Filed: 04-16-24

Sponsored by: McGull

COUNCIL BILL 2024-069 RESOLUTION

A RESOLUTION

1 GRANTING a Short-Term Rental Type 2 permit for the property generally
2 located at 3059 North National Avenue, for the purpose of allowing
3 the establishment of a Short-Term Rental Type 2 pursuant to
4 Section 36-473 of the Land Development Code.
5
6

7 WHEREAS, the owner of the property located at 3059 North National Avenue
8 has applied for a Short-Term Rental ("STR") Type 2 Permit; and
9

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

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

18 WHEREAS, the owner of the property located at 3059 North National Avenue
19 has obtained two of the four signatures of property owners adjacent to and immediately
20 across the street from the property, resulting in 50 percent consent of the neighboring
21 property owners; and
22

23 WHEREAS, property owners within 500 feet of the proposed STR Type 2
24 establishment were notified by regular mail of the April 22, 2024, City Council meeting.
25

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

29 Section 1 – City Council hereby grants the applicant a STR Type 2 Permit for the
30 property located at 3059 North National Avenue. The granting of the Permit is expressly
31 subject to compliance with Section 36-473 of the Land Development Code, and any
32 other applicable provisions of City Code.
33

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

36 Passed at meeting: _____

37

38

39

Mayor

40

41

Attest: _____, City Clerk

42

43

Filed as Resolution: _____

44

45

Approved as to form: Laura Vales, Assistant City Attorney

46

47

48

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

49

EXHIBIT A

March 14, 2024

Cloud 9 Property Management

PO Box 1931

Springfield, MO 65802

417-719-1460

Cloud9pm22@gmail.com

Dear Department of Planning & Development:

It is my understanding that 3059 N National Ave, Springfield MO is a Type 2 STR property. We have completed all of the steps for this property to be an air bnb except a meeting with city council. I am writing this letter in behalf of the owners, Chris Blackard and Nathan Blackard, to request a meeting in front of city council for this property.

Please let me know via email when this is scheduled so we can make sure we are present.

Thank you,

Tamara Simpson

Property Manager for The Blackard Properties

417-350-4605



Application for Short-Term Rental Type 2

eCity INSTRUCTIONS

PLEASE FOLLOW STEPS 1 & 2 BEFORE SUBMITTING THIS APPLICATION

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

Case No.	
Date Filed	
Received By	
Receipt No.	

*Fee Amount Paid: \$ _____

[See Fee Schedule](#)

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

Property Address: 3059 N. National

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

Application Timeframe by

Department

Planning &
Development
3-6 weeks



Building Development
Services
1-3 weeks



Licensing
2-3 weeks

PROPERTY OWNER'S INFORMATION:

Name of current property owner: Blackard Rentals LLC

If corporation: Corporate Official: _____

Mailing Address: PO Box 2292 Spfld. MO. 65801

Zip Code: 65801 Phone: 417-766-1577

E-mail: blackarddevelopment@gmail.com

PROPERTY OWNER'S SIGNATURE:

Math Blevins

See checklist on page 2 for additional information.

OPERATOR'S INFORMATION (if different):

Name: Cloud 9 Property Management Tamara Simpson

Mailing Address: P.O. Box 1931 Spfld. MO. Zip Code: 65801

Phone: 350-4605 E-mail: cloud9pm22@gmail.com

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

*Fees are non-refundable

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

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

2. Meeting Date & Time: 02/29/24 4:00pm - 6:30pm

3. Meeting Location: 3059 N National, Springfield, MO 65803

4. Number of invitations that were sent: 58

5. Number of neighbors in attendance (attach a sign-in sheet): 10

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

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

- Damaged fence on Daycare side → we have already addressed and fixed.
 - Back of fence being damaged by animals → Not allowing animals to live in sight.
 - Gate entrance locked, how to prevent guests from turning around in neighbors driveway - we are requiring guests to enter National St way only.
 - Will this be turned into halfway house? - possibly if we cannot make it an airbnb.

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

I, Tamara Simpson (print name), attest that the neighborhood meeting was held on
2/29/24 (month/date/year), in accordance with the attached "Neighborhood Notification and Meeting Process."

Tamara Simpson
 Signature of person completing affidavit

Tamara Simpson
 Printed name of person completing affidavit

EXHIBIT C



SHORT-TERM RENTAL TYPE 2 ADJACENT OWNER CONSENT AFFIDAVIT

Address of Proposed Short-Term Rental: **3059 N NATIONAL**

STATE OF Missouri

COUNTY OF Greene

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

(Corporate Seal**)

ATTEST:

Corporate Secretary
(If no seal)


Signature of Owner/Operator
Nathaniel Blackard
Typed or Printed Name
Member - Owner
Title
Blackard Rentals
Name of Company or Organization
(If Applicable)

Subscribed and sworn to before me a notary public on this 7th day of March, 20 24.

PHILLIP BOREN
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES APRIL 11, 2025
GREENE COUNTY
COMMISSION #21468670


Notary Public

My Commission expires: April 11, 2025

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

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **3059 N NATIONAL**

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

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

1.	Address of Adjacent Residential Property: <u>3050 N NATIONAL AVE</u> <u>Chad Pollett / Ralph Arnold</u> Owner(s) of Record (Typed or Printed) <u>Chad Pollett Ralph Arnold</u> Signature(s) of Owners <u>President of the Board / Pastor</u> Title <u>President of Corporation</u>	Notary Seal (only required if signature not witnessed by applicant) SEAL
2.	Address of Adjacent Residential Property: <u>1130 E MCCANSE ST</u> <u>Natalie Potter</u> Owner(s) of Record (Typed or Printed) <u>Natalie Potter</u> Signature(s) of Owners <u>Owner</u> Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
3.	Address of Adjacent Residential Property: <u>3039 N NATIONAL AVE</u> <u>Jerome Seiler</u> Owner(s) of Record (Typed or Printed) <u>Jerome Seiler</u> Signature(s) of Owners <u>Owner</u> Title	Notary Seal (only required if signature not witnessed by applicant) SEAL



Neighborhood Meeting Type 2 Short-Term Rental

Date of Meeting: 02-29-2024 Time: 4:00pm to 6:30pm

Location of Meeting: 3089 N NATIONAL

Contact Name: TAMARA SIMPSON

Contact Telephone No.: 417-350-4605

Contact E-Mail: CLOUD9PM22@GMAIL.COM

Type 2 Short-Term Rental uses require applicant(s) to have a neighborhood meeting and invite property owners within 500' of their property along with any registered neighborhood organizations.



Attach photo here

(sign lettering must be legible in photo)

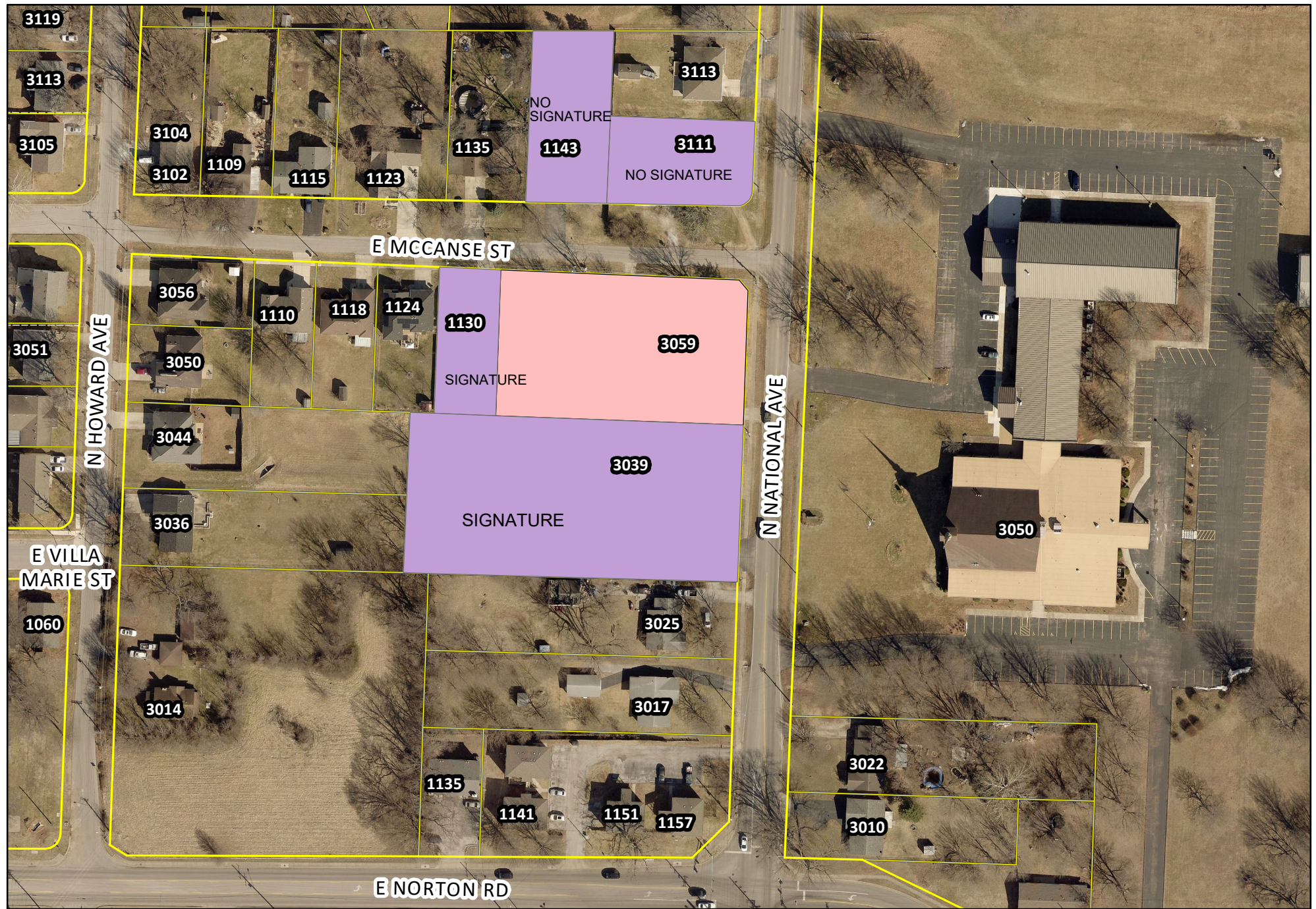
I, *(print name of owner, agent, attorney)*, attest that the above sign was posted 10 days before the public hearing on *(month/day/year)* and in accordance with the given posting requirements.



Signature of person completing sign posting



Printed name of person completing sign posting



Legend

3059 N National

Type 2 Rental Status*

Approved

Pending

*Status as of 04/03/2024



0 0.05 0.1 0.2 Miles



E NORTON RD

E 144
E 144

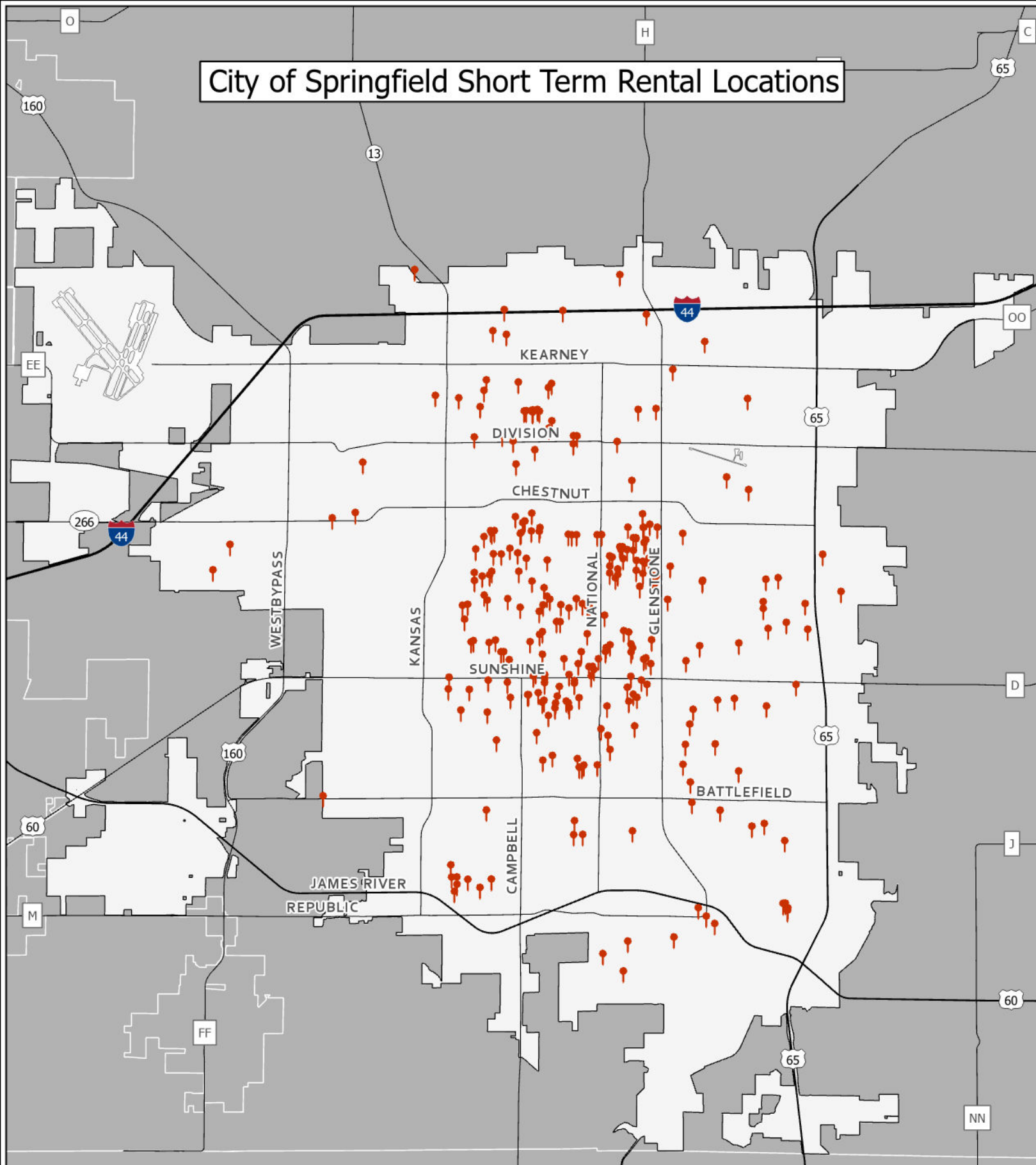
E EVERGREEN ST

N NATIONAL AVE

N FREMONT AVE

E NORA ST

City of Springfield Short Term Rental Locations



As of February 9, 2024, the Finance Department of the City of Springfield has successfully completed the registration process for a total of 280 short-term rentals, as depicted on this map, created on February 12th 2024

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

City of Springfield, Missouri Short-Term Rental Intake Form

1. Business Name (if applicable): Blackard Rentals LLC
Operator(s) Name: Cloud 9 Property Management
Operator(s) Address: P.O. Box 1931 Springfield, MO 65801
Phone: (417) 350-4605 E-Mail: cloud9pm22@gmail.com

Short-Term Rental Address: 3059 N National Springfield, MO 65803

2. Property owner name, address, e-mail, and phone (if different):
Chris Blackard, P.O. Box 2292 Spfld, MO 65801 blackarddevelopment@gmail.com 417-766-1577
3. Does the Short-Term Rental operator reside at the residential dwelling? ☐ Yes ☒ No
4. ☐ Type 1 (operator occupied; all zoning districts). ☒ Type 2 (non-operator occupied, zoned R-SF or R-TH). ☐ Type 3 (non-operator occupied, all other districts except R-SF or R-TH; no more than 2 units per premise).
Unit _____ Unit _____
5. Are guests housed in a primary structure or a historic carriage house (built before January 1, 1940)?
☒ Primary Structure ☐ Historic Carriage House
6. Is the dwelling unit currently being renovated or are there plans for renovation prior to completion of this application?
☐ Yes ☒ No
7. Have renovations to the dwelling occurred in recent history? ☐ Yes ☒ No If so, was a building permit issued by the City? ☐ Yes ☐ No

Tamara Simpson
Business Owner/Operator

Tamara Simpson
Tamara Simpson (Jan 19, 2024 14:11 CST)
Signature

Chris Blackard
Property Owner
only if different

Chris Blackard
Chris Blackard (Jan 19, 2024 13:21 CST)
Signature

APPLICANT FILL OUT TO THIS POINT

PLANNING and DEVELOPMENT

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

PLN: PLN2024-00015 Personnel: CSTINSON Date Reviewed: 01/24/2024

Comments: _____



EXPLANATION TO COUNCIL BILL 2024-070 (SIMPSON)

FILED: 04/04/2024

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A resolution granting a Short-Term Rental Type 2 permit for the property generally located at 826 East Stanford Street, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

PURPOSE: Granting a Short-Term Rental Type 2 permit for the property generally located at 826 East Stanford Street, for the purpose of allowing the establishment of a Short-Term Rental Type 2 permit pursuant to Section 36-473 of the Zoning Ordinance.

BACKGROUND INFORMATION: The property owner has applied for a Short-Term Rental ("STR") Type 2 permit to establish a Short-Term Rental Type 2 at 826 E. Stanford Street. Section 36-473 of the Zoning Ordinance requires that Type 2 applicants conduct a neighborhood meeting and obtain signatures from fifty-five percent or more of property owners adjacent to and immediately across the street from the proposed STR. If the signatures of at least fifty-five percent of neighboring property owners cannot be secured, the applicant may apply to the City Council to obtain a resolution granting the STR Type 2 permit.

The applicant has obtained one signature from the four adjacent property owners, resulting in 25% percent consent as shown on "Exhibit C."

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

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

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

Submitted By: Corey Stinson, Associate Planner

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

Maurice S. Jones, Deputy City Manager 4/16/2024



- Attachments:**
1. STR2 826 E. Stanford Street
 2. Request_Exh A
 3. STR meeting summary_Exh B
 4. Affidavit_Exh C

One-rdg. X
P. Hrngs.
Pgs. 17
Filed: 04-16-24

Sponsored by: Simpson

COUNCIL BILL 2024-070 RESOLUTION

A RESOLUTION

1 GRANTING a Short-Term Rental Type 2 permit for the property generally
2 located at 826 East Stanford Street, for the purpose of allowing the
3 establishment of a Short-Term Rental Type 2 pursuant to Section
4 36-473 of the Land Development Code.
5
6

7 WHEREAS, the owner of the property located at 826 East Stanford Street has
8 applied for a Short-Term Rental ("STR") Type 2 Permit; and
9

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

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

18 WHEREAS, the owner of the property located at 826 East Stanford Street has
19 obtained one of the four signatures of property owners adjacent to and immediately
20 across the street from the property, resulting in 25 percent consent of the neighboring
21 property owners; and
22

23 WHEREAS, property owners within 500 feet of the proposed STR Type 2
24 establishment were notified by regular mail of the April 22, 2024, City Council meeting.
25

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

29 Section 1 – City Council hereby grants the applicant a STR Type 2 Permit for the
30 property located at 826 East Stanford Street. The granting of the Permit is expressly
31 subject to compliance with Section 36-473 of the Land Development Code, and any
32 other applicable provisions of City Code.
33

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

36 Passed at meeting: _____

37

38

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Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: Laura Vales, Assistant City Attorney

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

EXHIBIT A

Request to appear before City Council

To whom it may concern,

I am the owner of 826 E Stanford, Springfield, MO. I applied for short term rental type II and have followed all of the requirements for this designation. We have one neighbor that lives across the street that is against the whole idea of short term rental and has caused many problems for us. She met with adjacent neighbors and told them that she was against this. She also went on to social media with the same extreme posture and spoke against me and the ideas of short term rental. I have met with each neighbor face to face and talked to them about my plan and the use of my property as a short term rental. We were given a list of adjacent neighbors that we needed to get signatures from. The list consisted of five property owners. I started the process of getting signatures. I was rejected by one neighbor (across the street from my property) I obtained two signatures and was in the process of getting the last two when I was contacted by planning and zoning. I was informed that the list was given in error and one of the properties that signed the document was not considered adjacent. This was an honest mistake by planning and zoning and I understand the error. However, the remaining two neighbors that I need signatures from live in very close proximity to the neighbor that is against the STR idea. I feel that she will singled out these two residents and make for a hostile situation. She is very extreme and I do not feel it is fair to the two neighbors that are willing to sign the documents to be put into a potential hostile situation. I have documentation from both neighbors in texts and or email where they state that they are willing to sign the adjacent neighbor document. I felt it was my responsibility as a new neighbor to do the best I can to keep the peace between these people. If these two neighbors signed off on the document, the neighbor across the street would know they did so and without doubt be nasty to them.

Our goal is to clean up, repair/restore, and furnish this home and use it as a short term rental. We do hope to make this our home when we decide to retire. Making it a short term rental would give us much more control over frequent inspections that will in turn allow us to maintain this home and prevent damages that can and will happen with long term rental.

I hope you will honor this request to appear before city council and hope the council members will see how our plan is a good thing for us as home owners.

I will bring documentation showing that the two neighbors that would push us over the 55 percent approval mark were willing to sign but hesitant. I hope that City Council will see and understand why this process could and would have created trouble for neighbors in a neighborhood that is already up in arms over land ownership and rights.

Thank you,

Ken Bolls



Application for Short-Term Rental Type 2

TRANSACTION # 109781
ID
PLH2023-00318

eCity INSTRUCTIONS

PLEASE FOLLOW STEPS 1 & 2 BEFORE SUBMITTING THIS APPLICATION

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

Case No.	
Date Filed	
Received By	
Receipt No.	

*Fee Amount Paid: \$ 382.00
See Fee Schedule

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

Property Address: 826 E. STANFORD, SPRINGFIELD, MO 65807

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

Application Timeframe by

Department

Planning &
Development
3-6 weeks

Building Development
Services
1-3 weeks

Licensing
2-3 weeks

PROPERTY OWNER'S INFORMATION:

Name of current property owner: KEN & JULIE BOIS

If corporation: Corporate Official: _____

Mailing Address: 1060 LON ROAD ROGERSVILLE, MO

Zip Code: 65742 Phone: 417-425-2831

E-mail: FIREWATERMOLD@YAHOO.COM

PROPERTY OWNER'S SIGNATURE: Ken Bois

See checklist on page 2 for additional information.

OPERATOR'S INFORMATION (if different):

Name: N/A

Mailing Address: _____ Zip Code: _____

Phone: _____ E-mail: _____

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

*Fees are non-refundable

EXHIBIT B

STR Meeting Summary

Meeting started at 4:00 PM on February 15th 2024. The location of the meeting was 826 East Stanford, Springfield MO 65807

12 neighbors signed in as participants of the meeting.

The owner of the 826 East Stanford described to the participants what a short term rental was and how they differed from Long term rental and other short term rental designations. This information was pulled from the City of Springfield's Website.

The owners expressed to the participants that their interests were to do short term rental for the simple fact that the home would be inspected often by the owners. This would allow the owners to keep up with repairs and to limit damages to the property from bad renters. This in turn would keep the property nice and maintained while protecting the interest of the owner.

There were a few questions and concerns that the participants asked or stated.

Concerns:

Possible property value being diminished.

Response: We told them that we would take care of our property as it is a property that we may some day move in to. We want the property to appreciate the same way neighbors do.

Unknow people in and out of the neighborhood.

Response: We told them that we would screen renters and do the best we can to assure that the renters are respectful and agree to our house rules. If not, we will terminate the rental agreement if the law will allow.

Stop sign being blocked by renters not knowing where to park.

Response: We would address this in the rules section and parking instruction in our rental agreement.

Questions:

How many tenants will you allow at a time (Occupancy).

Answer: Six adults maximum

Will you have quiet hours?

Answer: Yes. As per city ordinance. 11pm to 7am.

Overall, the meeting went very well. There was no disruption or out of line neighbors. All discussions were peaceful. Not all of the participants were in favor of the short term rental however, it seemed that more people supported the owners than those that didn't. It was also very clear that there was greater support of short term over long term rental. The meeting ended at 630 pm and a few people lingered for more than an hour.

SIGN IN

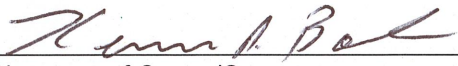
OWNERS	TOPIC	TIME	EVENT DATE	LOCATION
Ken and Julie Bolls	Short Term Rental Type 2	4-6pm	2/15/2024	826 E Stanford Springfield, MO 65807

NO	NAME	PHONE	EMAIL	ADDRESS
1	David Stoeffer	417-836-3176		826 E Stanford St
2	Shelby Don Hunter			932 E. Kingsbury
3	Martha Owens	314-265-3317		725 E Stanford
4	Mark Stansler	417-425-5437		725 E UNIVERSITY
5	Melinda Cooper	417-827-4665		959 E University St
6	Garrell Herndon	415-871-4709		759 E University St.
7	RINA EDGE	417-8382046		1030 E Stanford St.
8	Bick Gilmore	417-8343730		900 E Portland
9	Jim Rahn	417-225-2522		1010 E. University St
10	Kathy Pully			826 E Kingsbury
11	Norana Capner	417-883-3379		900 E Kingsbury St
12	Nancy Williams	417-496-2187		
13				

SHORT-TERM RENTAL TYPE 2 ADJACENT OWNER CONSENT AFFIDAVITAddress of Proposed Short-Term Rental: **826 E Stanford**STATE OF MISSOURI)COUNTY OF GREENE)

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

(Corporate Seal**)

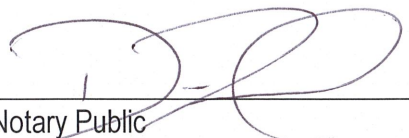
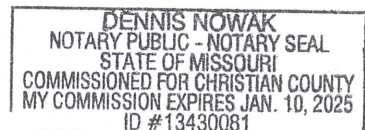

 Signature of Owner/Operator

KENNETH D. BOILS
 Typed or Printed Name

ATTEST:

OWNER
 Title

 Corporate Secretary
 (If no seal)

 Name of Company or Organization
 (If Applicable)
Subscribed and sworn to before me a notary public on this 29 day of FEBRUARY, 20 24.

 Notary Public
My Commission expires: 01-10-2025

City of Springfield Short-Term Rental
ADJACENT OWNER CONSENT FORM

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **826 E Stanford**

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

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

1.	Address of Adjacent Residential Property: <u>825 E STANFORD ST</u> <u>NICOLE BALDONI</u> Owner(s) of Record (Typed or Printed) Signature(s) of Owners <u>OWNER</u> Title	Notary Seal (only required if signature not witnessed by applicant) <u>WILL NOT SIGN</u> SEAL
2.	Address of Adjacent Residential Property: <u>820 E STANFORD ST</u> <u>DAVID STOEFFLER</u> Owner(s) of Record (Typed or Printed) Signature(s) of Owners <u>OWNER</u> Title	Notary Seal (only required if signature not witnessed by applicant) <u>WILL SIGN IF WE REMOVE TREE & PLACE PRIVACY FENCE BETWEEN DRIVEWAY AND HIS HOUSE.</u> SEAL <u>TEXTS & EMAILS FOR PROOF</u>
3.	Address of Adjacent Residential Property: <u>825 E UNIVERSITY ST</u> <u>Russell Heuble</u> Owner(s) of Record (Typed or Printed) <u>Russell Heuble</u> Signature(s) of Owners <u>OWNER</u> Title	Notary Seal (only required if signature not witnessed by applicant) <u>WITNESSED</u> SEAL <u>SIGNATURE</u> <u>Ken But</u>

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

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

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **826 E Stanford**

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

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

4.	Address of Adjacent Residential Property: 900 E STANFORD ST KATY HOLMER Owner(s) of Record (Typed or Printed) Signature(s) of Owners OWNER Title	Notary Seal (only required if signature not witnessed by applicant) WILL SIGN IF WE HAVE QUIET HOURS IN PLACE AFTER 11:00 PM. <u>EMAIL & TEXTS FOR PROOF</u>
5.	Address of Adjacent Residential Property: 901 E UNIVERSITY ST Stephen E. Brooks Linda Regan Owner(s) of Record (Typed or Printed) Stephen E. Brooks Linda Regan Signature(s) of Owners Owners Title	Notary Seal (only required if signature not witnessed by applicant) WITNESSED SIGNATURE SEAL Jan Barz
6.	Address of Adjacent Residential Property: [REDACTED] [REDACTED] Owner(s) of Record (Typed or Printed) [REDACTED] Signature(s) of Owners [REDACTED] Title	Notary Seal (only required if signature not witnessed by applicant) SEAL

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

Feb 5

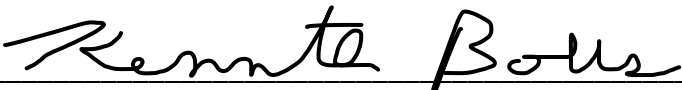


AFFIDAVIT OF SIGN POSTING

Attach photo here

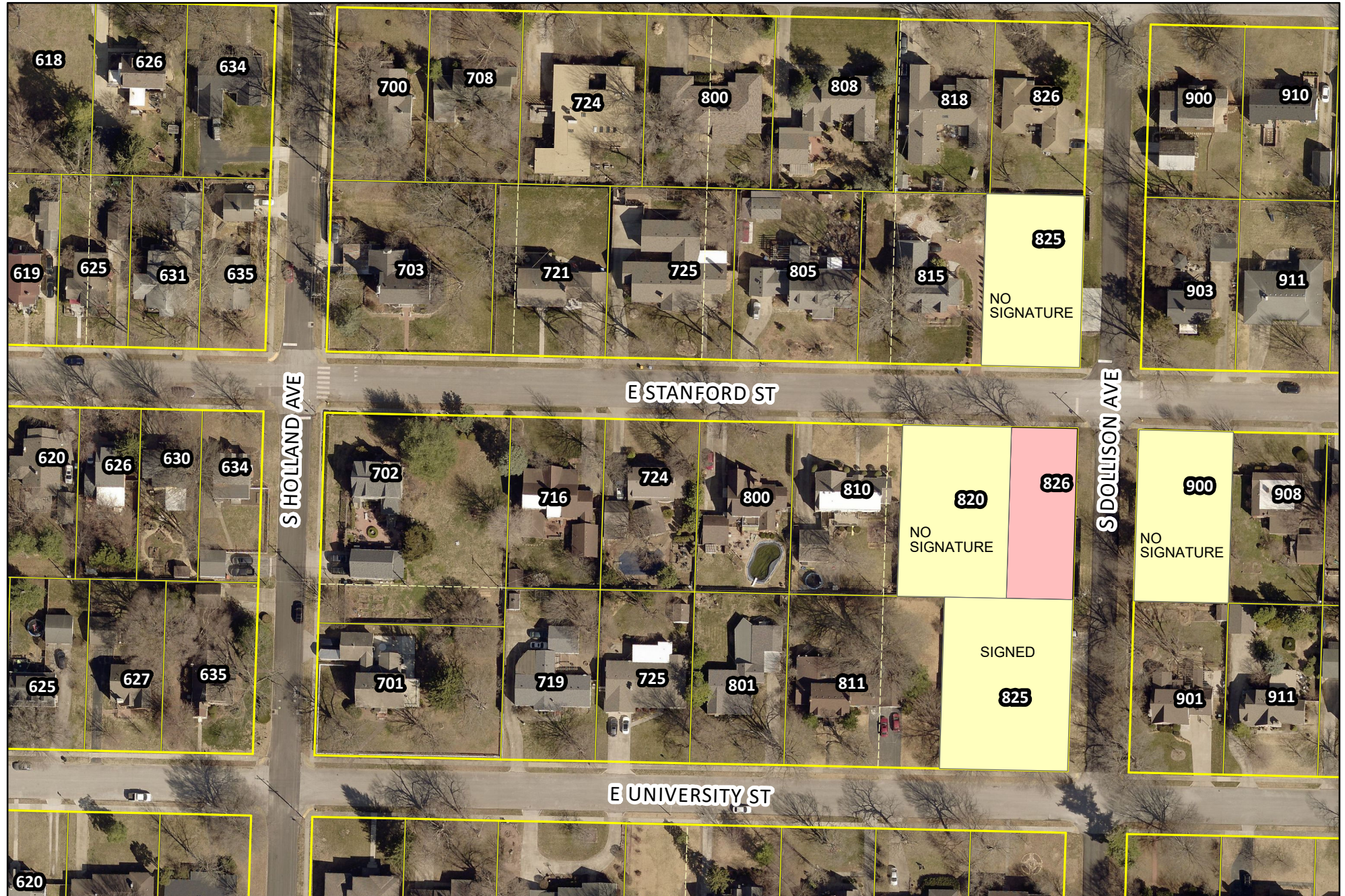
(sign lettering must be legible in photo)

I, Keneth Bolls (print name of owner, agent, attorney), attest that the above sign was posted 10 days before the public hearing on 02/05/2024 (month/day/year) and in accordance with the given posting requirements.


Signature of person completing sign posting

Kenneth Bolls
Printed name of person completing sign posting

ADJACENT PROPERTIES



Legend

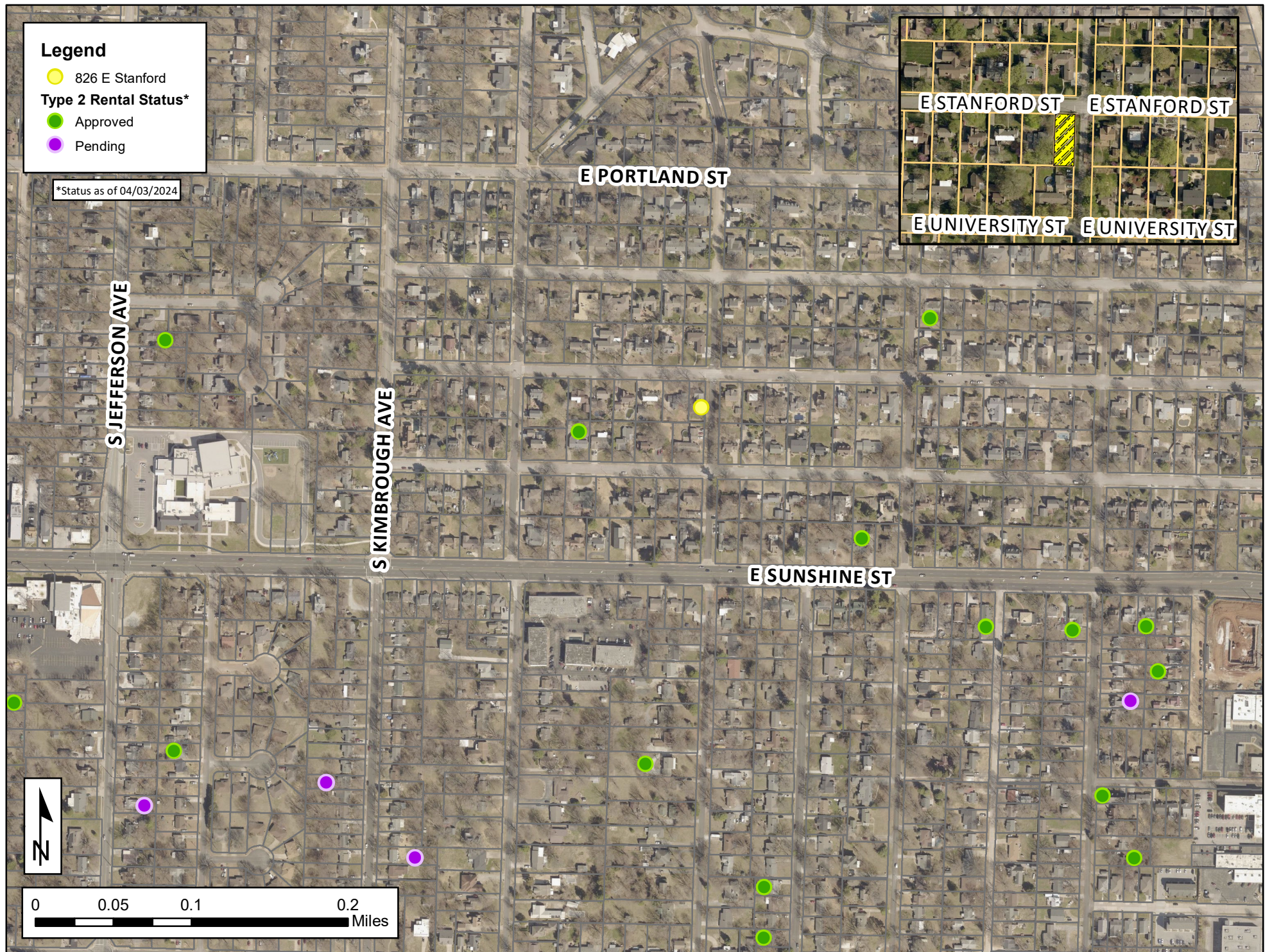
● 826 E Stanford

Type 2 Rental Status*

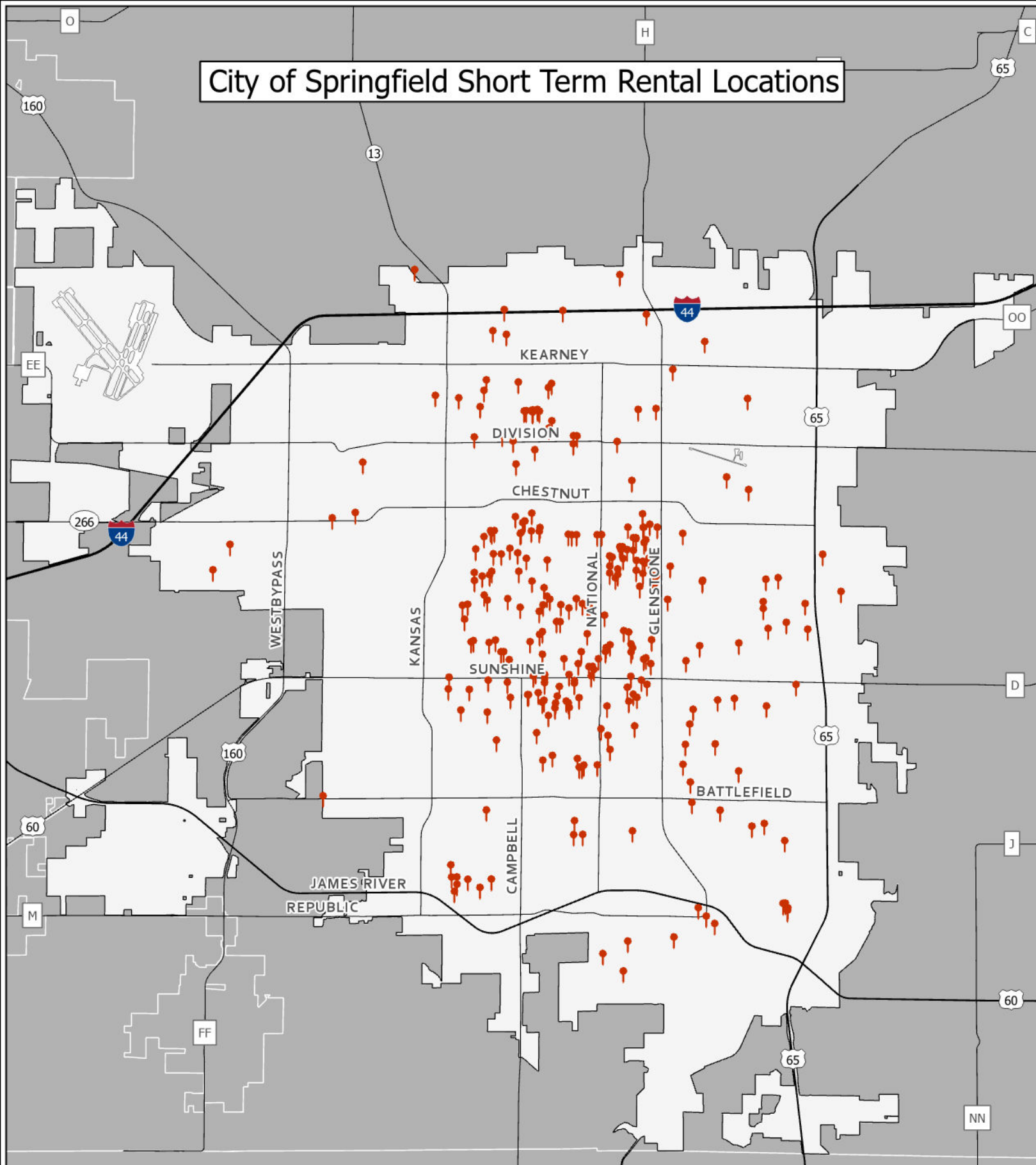
● Approved

● Pending

*Status as of 04/03/2024



City of Springfield Short Term Rental Locations



As of February 9, 2024, the Finance Department of the City of Springfield has successfully completed the registration process for a total of 280 short-term rentals, as depicted on this map, created on February 12th 2024

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

City of Springfield, Missouri Short-Term Rental Intake Form

1. Business Name (if applicable): _____
Operator(s) Name: Ken and Julie Bolls
Operator(s) Address: 826 E. Stanford, Springfield MO 65807
Phone: (417) 425-2831 E-Mail: firewatermold@yahoo.com
Short-Term Rental Address: 826 E. Stanford, Springfield MO 65807
2. Property owner name, address, e-mail, and phone (if different):

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

Ken and Julie Bolls
Business Owner/Operator


Signature

Property Owner
only if different


Signature

APPLICANT FILL OUT TO THIS POINT

PLANNING and DEVELOPMENT

1. Proposed location is zoned: R-SF 3. Verification of Historic Carriage House: N/A
2. Verification of rental type: STR2 4. Verification of Density Requirements: APPROVED

PLN: PLN2023-00318 Personnel: CSTINSON Date Reviewed: 12/28/2023

Comments: _____



EXPLANATION TO COUNCIL BILL 2024-071 (SIMPSON)

FILED: 04/04/2024

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A resolution granting a Short-Term Rental Type 2 permit for the property generally located at 535 East LaSalle Street, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

PURPOSE: Granting a Short-Term Rental Type 2 permit for the property generally located at 535 East LaSalle Street, for the purpose of allowing the establishment of a Short-Term Rental Type 2 permit pursuant to Section 36-473 of the Zoning Ordinance.

BACKGROUND INFORMATION: The property owner has applied for a Short-Term Rental ("STR") Type 2 permit to establish a Short-Term Rental Type 2 at 535 E. LaSalle Street. Section 36-473 of the Zoning Ordinance requires that Type 2 applicants conduct a neighborhood meeting and obtain signatures from fifty-five percent or more of property owners adjacent to and immediately across the street from the proposed STR. If the signatures of at least fifty-five percent of neighboring property owners cannot be secured, the applicant may apply to the City Council to obtain a resolution granting the STR Type 2 permit.

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

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

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

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

Submitted By: Corey Stinson, Associate Planner

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

Maurice S. Jones, Deputy City Manager 4/16/2024



- Attachments:**
1. STR2 535 E. LaSalle_ord
 2. Request_Exh A
 3. Meeting Summary_Exh B
 4. Affidavit_Exh C

One-rdg. X
P. Hrngs.
Pgs. 15
Filed: 04-16-24

Sponsored by: Simpson

COUNCIL BILL 2024-071 RESOLUTION

A RESOLUTION

1 GRANTING a Short-Term Rental Type 2 permit for the property generally
2 located at 535 East LaSalle Street, for the purpose of allowing the
3 establishment of a Short-Term Rental Type 2 pursuant to Section
4 36-473 of the Land Development Code.
5 _____
6

7 WHEREAS, the owner of the property located at 535 East LaSalle Street has
8 applied for a Short-Term Rental (“STR”) Type 2 Permit; and
9

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

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

18 WHEREAS, the owner of the property located at 535 East LaSalle Street has
19 obtained one of the five signatures of property owners adjacent to and immediately
20 across the street from the property, resulting in 20 percent consent of the neighboring
21 property owners; and
22

23 WHEREAS, property owners within 500 feet of the proposed STR Type 2
24 establishment were notified by regular mail of the April 22, 2024, City Council meeting.
25

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

29 Section 1 – City Council hereby grants the applicant a STR Type 2 Permit for the
30 property located at 535 East LaSalle Street. The granting of the Permit is expressly
31 subject to compliance with Section 36-473 of the Land Development Code, and any
32 other applicable provisions of City Code.
33

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

36 Passed at meeting: _____

37

38

39

Mayor

40

41

Attest: _____, City Clerk

42

43

Filed as Resolution: _____

44

45

Approved as to form: Laura Vales, Assistant City Attorney

46

47

48

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

49

EXHIBIT A

March 8, 2024

Chris Day
535 East LaSalle St
Springfield MO 65807
417-569-2480
cday@kw.com

To City Council of Springfield,

I am trying to complete an application process to obtain a Type 2 Short Term Rental license. I would like to appeal the requirement of getting 55% of owner's signatures from properties that border mine. Each of the five properties are investment properties with non-owner occupants. I have tried to contact each owner and have only been successful in contacting one.

529 E LaSalle St

Owner: Mardan Properties, PO Box 1381, Springfield, MO. I found at least 26 properties owned by Mardan Properties in Greene County. I was unable to locate property owner(s) information.

530 E LaSalle St

Owner: Mark McClelland, 6616 E Monroe Ct. My research shows that he is 84 years old and lives in Port Washington, NY. Phone numbers listed for Mark were either bad, or messages were left for him. I found at least 15 properties owned by Mark in Greene County. I am uncomfortable knocking on the door of the registered address, as it is on wooded acreage outside of town with a long private driveway. I was unable to locate property owner(s) information.

538 E LaSalle St

Owner: Irish Bruin, LLC, 1198 W Stone Meadow Way, which is owned by JDSZ Trust. The owner is Zheng Songfend and is in support of my short-term rental application

541 E LaSalle St

Owner: This property changed ownership on 11/30/2023 to MFH Investments, LLC which is registered to the said address of 541 E LaSalle St. The property is non-owner occupied. I contacted the realtor who sold the property, and she was unwilling to give me contact information for MFH Investments, LLC. This LLC owns at least three properties in Greene County, two of which are registered to an address of a bar & grill that is owned by a different corporation, at yet another address. I was unable to locate property owner(s) information.

3836 S Jefferson Ave

Owner: Kickapoo Prairie Retirement Condos, LLC

The owner address listed is 1121 E Lakewood St, which is Iron Bridge Retirement Community. I am unable to locate property owner(s) information.

Chris Day



Application for Short-Term Rental Type 2

****eCity INSTRUCTIONS****

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

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

Case No.	
Date Filed	
Received By	
Receipt No.	

*Fee Amount Paid: \$ _____
See Fee Schedule

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

Property Address: 535 E LaSalle St 65807

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

PROPERTY OWNER'S INFORMATION:

Name of current property owner: Christopher L Day

If corporation: Corporate Official: _____

Mailing Address: 535 E LaSalle St

Zip Code: 65807 Phone: 417-569-2480

E-mail: cday@kw.com

PROPERTY OWNER'S SIGNATURE: CD

Application Timeframe by

Department

Planning &
Development
3-6 weeks

Building Development
Services
1-3 weeks

Licensing
2-3 weeks

See checklist on page 2 for additional
information.

OPERATOR'S INFORMATION (if different):

Name: _____

Mailing Address: _____ Zip Code: _____

Phone: _____ E-mail: _____

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

*Fees are non-refundable

EXHIBIT B

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

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

2. Meeting Date & Time: 02/22/2024

3. Meeting Location: 535 E LaSalle St

4. Number of invitations that were sent: 117 (ish)

5. Number of neighbors in attendance (attach a sign-in sheet): 12

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

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

The concerns brought to the meeting included worries about the property condition, lowering property values, guests throwing parties, too many cars, and our non-ability to run background checks on guests.

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

We will manage the property ourselves and will keep the yard and home clean & maintained. Short term rentals like ours do not lower values we do not allow parties and keep cameras in the front & back yards to keep an eye out.

I, Chris Day (print name), attest that the neighborhood meeting was held on 02/22/2024 (month/date/year), in accordance with the attached "Neighborhood Notification and Meeting Process."

Chris Day
Signature of person completing affidavit

Chris Day
Printed name of person completing affidavit

NEIGHBORHOOD MEETING SIGN-IN SHEET

Project: Short-Term Rental Type 2

Meeting Date: Feb 22, 2024

Owner/Operator: Chris Day

Location of Meeting: 535 E LaSalle St

[illegible]

EXHIBIT C



SHORT-TERM RENTAL TYPE 2 ADJACENT OWNER CONSENT AFFIDAVIT

Address of Proposed Short-Term Rental: **535 E LaSalle**

STATE OF Missouri)

COUNTY OF Greene)

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

(Corporate Seal**)

C. D. Day
Signature of Owner/Operator

Christopher Day
Typed or Printed Name

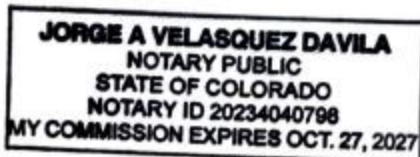
ATTEST:

Owner
Title

Corporate Secretary
(If no seal)

N/A
Name of Company or Organization
(If Applicable)

Subscribed and sworn to before me a notary public on this 1st day of April, 2024.



[Signature]
Notary Public

My Commission expires: 10-27-2027

City of Springfield Short-Term Rental ADJACENT OWNER CONSENT FORM

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **537 E LaSalle**

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

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

4.	Address of Adjacent Residential Property: <u>PO BOX 1381</u> MARDAN PROPERTIES Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
5.	Address of Adjacent Residential Property: <u>1121 E LAKEWOOD ST</u> KICKAPOO PRAIRIE RETIREMENT CONDOS LLC Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
6.	Address of Adjacent Residential Property: <u>538 E LaSalle St</u> Songfeng Zheng Owner(s) of Record (Typed or Printed) <u>Songfeng Zheng</u> Signature(s) of Owners <u>Owner</u> Title	Notary Seal (only required if signature not witnessed by applicant) SEAL

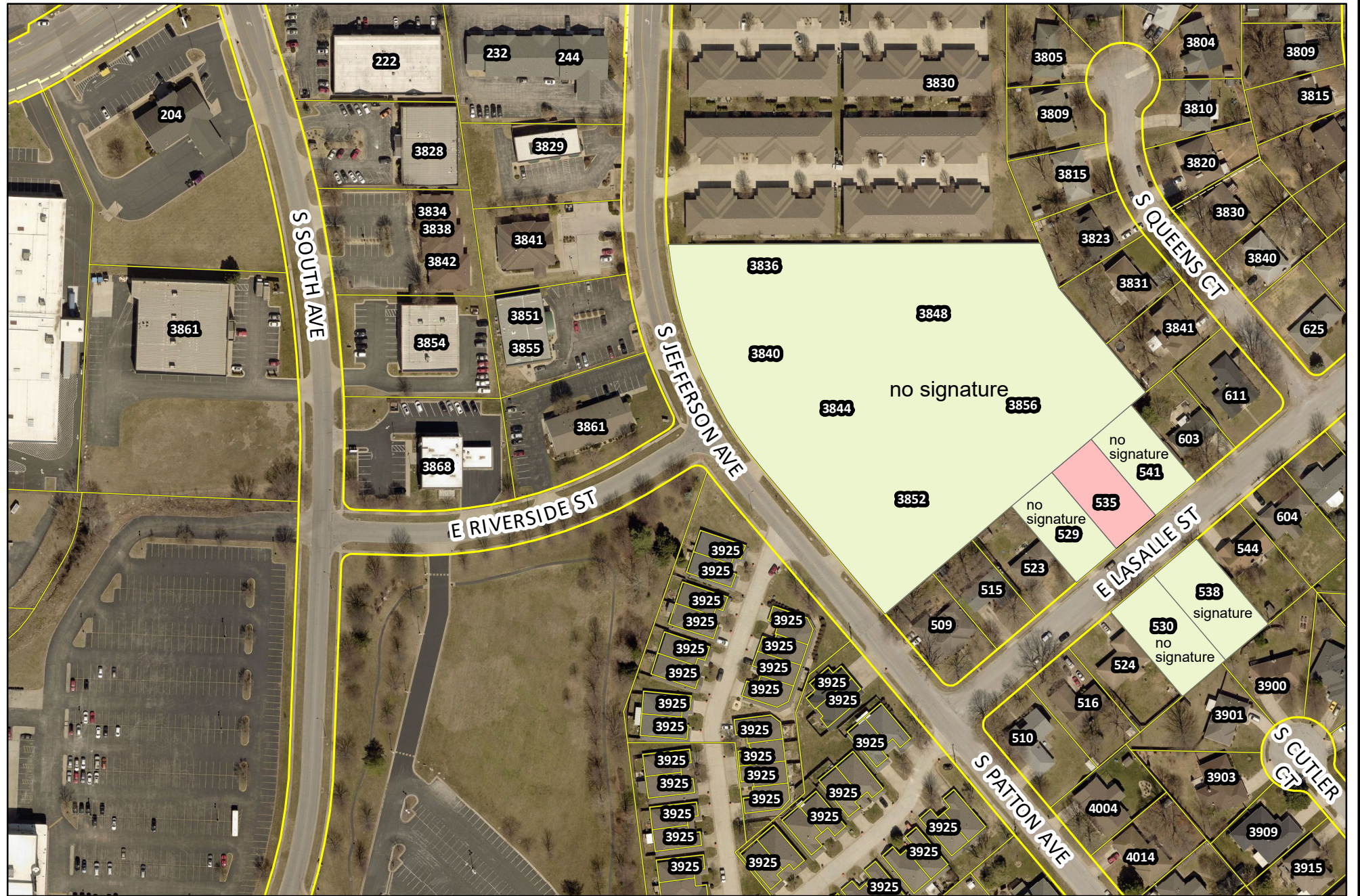


I, Chris Day (print name of owner, agent, attorney), attest that the above sign was posted 10 days before the public hearing on 02/22/2024 (month/day/year) and in accordance with the given posting requirements.

Chris Day
Signature of person completing sign posting

Chris Day
Printed name of person completing sign posting

ADJACENT PROPERTIES



Legend

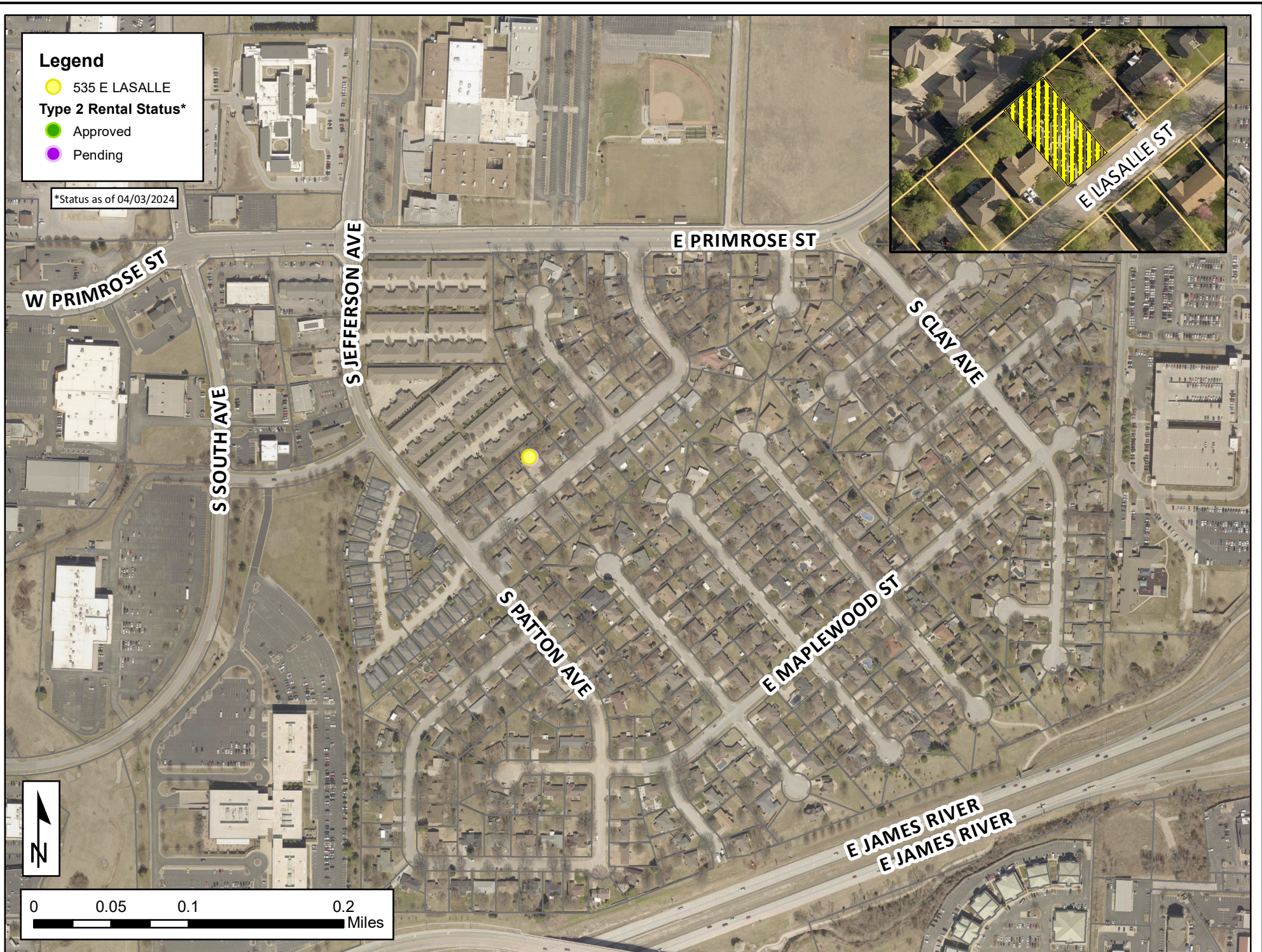
● 535 E LASALLE

Type 2 Rental Status*

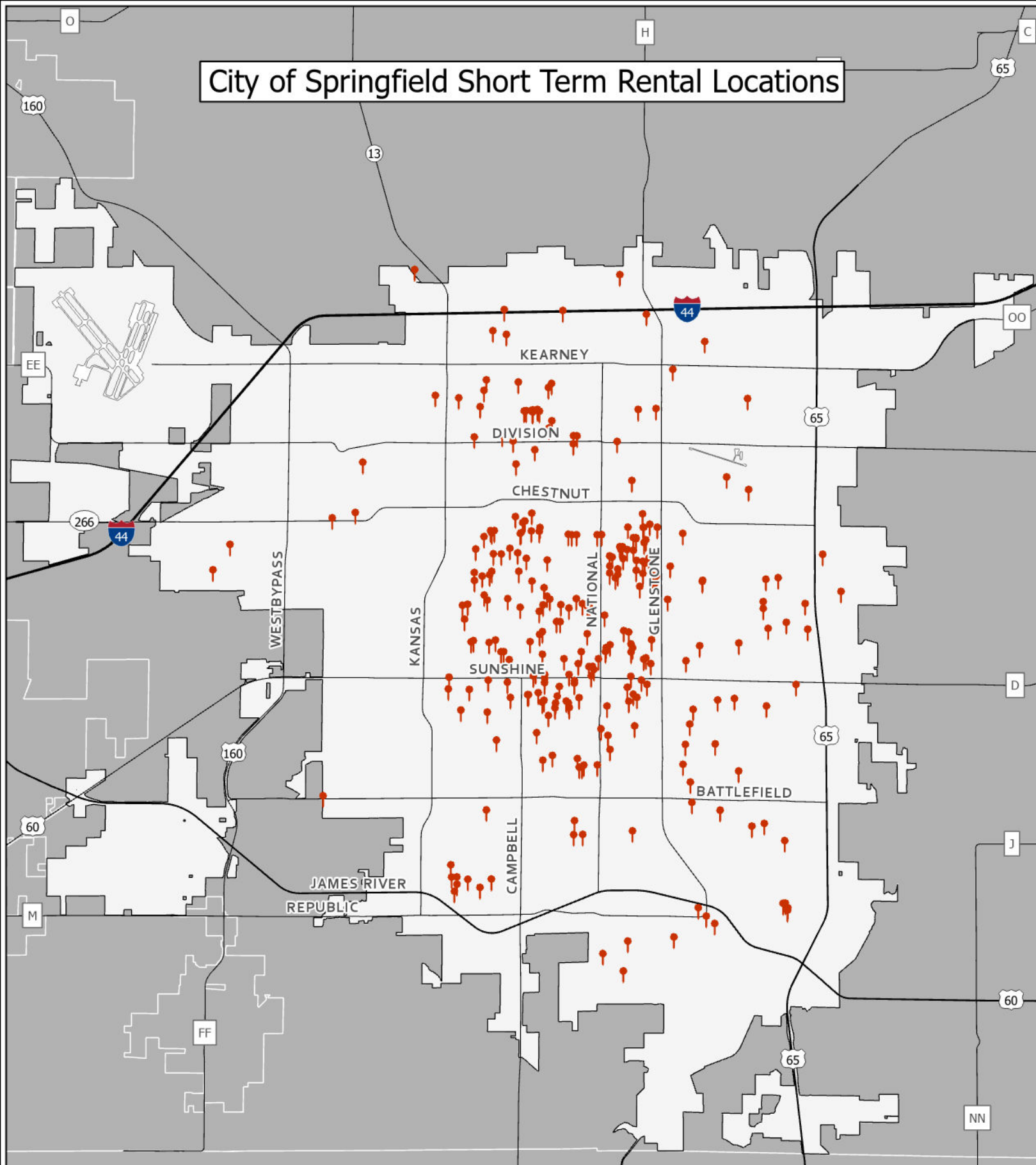
● Approved

● Pending

*Status as of 04/03/2024



City of Springfield Short Term Rental Locations



As of February 9, 2024, the Finance Department of the City of Springfield has successfully completed the registration process for a total of 280 short-term rentals, as depicted on this map, created on February 12th 2024

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

City of Springfield, Missouri

Short-Term Rental Intake Form

1. Business Name (if applicable): _____
Operator(s) Name: Chris Day
Operator(s) Address: 535 E. LaSalle St, Springfield, MO 65807
Phone: 4175692480 E-Mail: cday@kw.com
Short-Term Rental Address: 535 E. LaSalle St., Springfield, MO 65807
2. Property owner name, address, e-mail, and phone (if different):

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

Chris Day
Business Owner/Operator

Chris Day

Signature

Property Owner
only if different

Chris Day

Signature

APPLICANT FILL OUT TO THIS POINT

PLANNING and DEVELOPMENT

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

PLN: PLN2023-00293 Personnel: CSTINSON Date Reviewed: 11/28/2023

Comments: _____



EXPLANATION TO COUNCIL BILL 2024-072 (MCCLURE)

FILED: 04/16/2024

ORIGINATING DEPARTMENT: City Clerk

TITLE: A resolution declaring the results of the Special Municipal Election held on April 2, 2024, under the Home Rule Charter of the City of Springfield, Missouri, on the questions of whether to amend City Charter Section 19.16 and to amend City Charter Sections 2.1(1) and 2.6.

PURPOSE: To declare the results of a Special Municipal Election held on April 2, 2024, under the Home Rule Charter of the City of Springfield, Missouri, on the questions of whether to amend City Charter Section 19.16 and to amend City Charter Sections 2.1(1) and 2.6.

BACKGROUND INFORMATION: The City of Springfield held a Special Municipal Election on Tuesday, April 2, 2024.

Question1: Shall Section 19.16 of the Springfield City Charter be amended to require enactment of a code of ethics, to be reviewed by Council not less than every other year, revise provisions to address employee violations with disciplinary action up to and including termination, and add a legal defense to forfeiture of office or termination of employment if a prior, written advisory opinion from the City Attorney was obtained and relied upon in good faith?

Yes – 11,837
No – 3,640

Question2: Shall Sections 2.1 (I) and 2.6 of the Springfield City Charter be amended to provide for a four-year term for the mayor instead of a two-year term, with the four-year term to first apply at the general municipal election to be held in 2025, and with the maximum consecutive years a mayor may serve to remain limited to eight years.

Yes – 8,470
No – 7,371

The certification of the election returns by the Verification Board is attached as “Exhibit A.”

Submitted By: Anita Cotter, City Clerk



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

Jason Gage, City Manager 4/17/2024

- Attachments:**
1. Declaring the Results Res
 2. City of Springfield

One-rdg. X
P. Hrngs.
Pgs. 5
Filed: 4-16-2024

Sponsored by: McClure

COUNCIL BILL 2024-072 RESOLUTION

RESOLUTION

DECLARING the results of the Special Municipal Election held on April 2, 2024,
under the Home Rule Charter of the City of Springfield, Missouri, on
the questions of whether to amend City Charter Section 19.16 and to
amend City Charter Sections 2.1(1) and 2.6.

WHEREAS, on April 2, 2024, the Special Municipal Election was held in the City
of Springfield, Missouri, under the Home Rule Charter of the City; and

WHEREAS, the official returns of said election have been certified to City Council
as required by the State Verification Board, and it is desired to declare the results of
said election.

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

Section 1 – The election heretofore referred to has been found to have been held
in all respects as required by the laws of the State of Missouri and the City of
Springfield, at designated voting places, that all qualified electors of the City of
Springfield and no others were permitted to vote, and that the results of the elections
are found and declared to be as follows:

Question 1

Shall Section 19.16 of the Springfield City Charter be amended to require enactment of
a code of ethics, to be reviewed by Council not less than every other year, revise
provisions to address employee violations with disciplinary action up to and including
termination, and add a legal defense to forfeiture of office or termination of employment
if a prior, written advisory opinion from the City Attorney was obtained and relied upon in
good faith?

Yes – 11,837
No – 3,640

36
37 Question 2
38

39 Shall Sections 2.1 (I) and 2.6 of the Springfield City Charter be amended to provide for
40 a four-year term for the mayor instead of a two-year term, with the four-year term to first
41 apply at the general municipal election to be held in 2025, and with the maximum
42 consecutive years a mayor may serve to remain limited to eight years.

43
44 Yes – 8,470

45 No – 7,371
46

47
48 Section 2 – It is accordingly found and declared that the City of Springfield shall
49 be authorized to amend Section 19.16 and to amend section 2.1(1) and 2.6. of the City
50 Charter.
51

52 Section 3 – This Resolution shall be in effect immediately upon adoption.
53

54 Passed at meeting: _____
55

56
57 _____
58 Mayor
59

60 Attest: _____, City Clerk
61

62
63 Filed as Resolution: _____
64

65
66 Approved as to form:  _____, City Attorney
67

68
69 Approved for Council action:  _____, City Manager

April 2, 2024 General Municipal Election

We, the undersigned representatives of opposite political parties, hereby certify that on the 2nd day of April, 2024 we did tabulate all returns of the General Municipal Election held at the various voting locations within said county between the hours of 6:00 a.m. and 7:00 p.m., the following being a true and accurate account of the vote at said polling places, as well as the absentee ballots, and as certified by the verification board as provided in 115.507, RSMo.

City of Springfield

Question 1

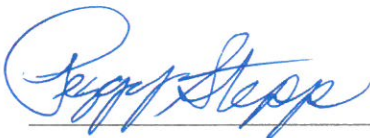
Shall Section 19.16 of the Springfield City Charter be amended to require enactment of a code of ethics, to be reviewed by Council not less than every other year, revise provisions to address employee violations with disciplinary action up to and including termination, and add a legal defense to forfeiture of office or termination of employment if a prior, written advisory opinion from the City Attorney was obtained and relied upon in good faith?

Yes	11,837
No	3,640

Question 2

Shall Sections 2.1(1) and 2.6 of the Springfield City Charter be amended to provide for a four-year term for the mayor instead of a two-year term, with the four-year term to first apply at the general municipal election to be held in 2025, and with the maximum consecutive years a mayor may serve to remain limited to eight years.

Yes	8,470
No	7,371



Democratic Supervisory Judge



Republican Supervisory Judge

STATE OF MISSOURI)
) ss.
COUNTY OF GREENE)

IN TESTIMONY WHEREOF, I, Shane Schoeller, County Clerk, hereunto set my hand and affix the Seal of the County of Greene, at my office in Springfield, Missouri, this 8th day April, 2024.



SHANE SCHOELLER
COUNTY CLERK



EXPLANATION TO COUNCIL BILL 2024-073 (HORTON)

FILED: 04/02/2024

ORIGINATING DEPARTMENT: Environmental Services

TITLE: A special ordinance authorizing the City Manager, or designee, to accept a Natural Resource Damage Assessment and Restoration Grant from the Missouri Department of Natural Resources to fund the Renew Jordan Creek – Main Avenue to Boonville Avenue project; authorizing the City Manager to execute an agreement with the Missouri Department of Natural Resources; as a condition of amending the budget of the Department of Public Works for Fiscal Year 2023-2024 in the amount of \$400,000; and declaring this Ordinance may be passed in one reading pursuant to Sec. 2.16(25) of the City Charter.

PURPOSE: Authorizing the City Manager, or designee, to accept state grant funds in the amount of \$400,000 from the Missouri Department of Natural Resources (“MDNR”) through the Natural Resource Damage Assessment and Restoration program for the Renew Jordan Creek – Main Avenue to Boonville Avenue project; entering into an agreement with MDNR; and approving a budget adjustment amending the budget of the Department of Public Works for Fiscal Year 2023-2024 in the amount of \$400,000 to appropriate the grant funds.

BACKGROUND INFORMATION: The notice of a Request for Proposals and the deadline for submission for this grant were less than sixty days apart; therefore, the City Manager was authorized to apply for the grant per City Code Sec. 2-11. The Department of Public Works anticipates constructing “Renew Jordan Creek”, a project to daylight portions of Jordan Creek from Main Avenue to Boonville Avenue. The proposed project will include a naturalized stream channel and riparian zone with native plantings, with the goal of improving aquatic and riparian habitat to support the protection of groundwater quality.

MDNR recovered natural resource monetary damages through the bankruptcy and related litigation involving releases of creosote to groundwater at the former Kerr-McGee Corporation. MDNR made these monies available for compensatory groundwater restoration projects in areas near the injured groundwater which cannot include measures to address the groundwater contamination at the former Kerr-McGee site. The grant will be used to fund the Renew Jordan Creek naturalized stream channel and riparian zone native plantings which will support the protection of groundwater quality. No matching funds are required; however, the City will be maximizing the impact of the grant with the other funds being invested in the project. This Ordinance will be a one-reading bill for a contract for a state-funded grant.



REMARKS: Both Environmental Services and Public Works recommend approval of this Council bill and budget adjustment.

Submitted By: Ron Petering, Assistant Director of Environmental Services

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

Maurice S. Jones, Deputy City Manager 4/16/2024

Attachments:

1. Renew Jordan Creek NRDAR Grant Ordinance
2. NRDAR Grant Renew Jordan Creek Contract_ExhA
3. NRDAR Grant Renew Jordan Creek BA_ExhB

One-rdg. X
P. Hrngs.
Pgs. 18
Filed 04-16-24

Sponsored by Horton

First Reading

Second Reading

COUNCIL BILL 2024-073

SPECIAL ORDINANCE

AN ORDINANCE

AUTHORIZING the City Manager, or designee, to accept a Natural Resource Damage Assessment and Restoration Grant from the Missouri Department of Natural Resources to fund the Renew Jordan Creek – Main Avenue to Boonville Avenue project; authorizing the City Manager to execute an agreement with the Missouri Department of Natural Resources; as a condition of amending the budget of the Department of Public Works for Fiscal Year 2023-2024 in the amount of \$400,000; and declaring this Ordinance may be passed in one reading pursuant to Sec. 2.16(25) of the City Charter.

WHEREAS, the City was awarded up to \$400,000 in Natural Resource Damage Assessment and Restoration Grant funds from the Missouri Department of Natural Resources for groundwater restoration projects, as set forth in “Exhibit A”; and

WHEREAS, this grant funding will assist with the construction of the “Renew Jordan Creek” project to daylight portions of Jordan Creek from Main Avenue to Boonville Avenue. The portion of the project funded by the grant will include a naturalized stream channel and riparian zone native plantings which will support the protection of groundwater quality.

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

Section 1 – The City Manager, or designee, is hereby authorized to accept grant funds in the amount of \$400,000 from the Missouri Department of Natural Resources, through the Natural Resource Damage Assessment and Restoration Grant Program, for use in the Renew Jordan Creek – Main Avenue to Boonville Avenue project, and to do all things necessary to accept and carry out the intent of the grant, including executing an agreement with the Missouri Department of Natural Resources in the same sustainability of similar form to that attached hereto as “Exhibit A,” provided the form of any such contract is approved by the City Attorney.

34 Section 2 – The budget of the Department of Public Works, for Fiscal Year 2023-
35 2024, is hereby amended in the accounts and in the amounts as shown on Budget
36 Adjustment No. 063 in the Amount of \$400,000, a copy of which is attached hereto and
37 incorporated herein by reference as “Exhibit B.”
38

39 Section 3 – City Council finds that the budget adjustment made above has been
40 recommended by the City Manager.
41

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

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

52 Passed at meeting: _____
53

54 _____
55 Mayor
56

57 Attest: _____, City Clerk
58

59 Filed as Ordinance: _____
60

61 _____
62 Approved as to form: *John Millington*, Deputy City Attorney
63

64 _____
65 Approved for Council action: *Jacques A. Hays*, City Manager

Exhibit A



Missouri Department of Natural Resources
And
City Of Springfield Missouri

Project Title:

City of Springfield Missouri Jordan Creek Recharge Area Restoration

Project Number
SPFLD-TRNX-2016-001

I. Purpose and Background

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended, 42 U.S.C. § 9601 *et seq.* authorizes the State of Missouri to recover damages for injuries to natural resources resulting from releases of hazardous substances. Recovered damages are required to be used to restore resource. The Missouri Department of Natural Resources, hereinafter the Department, recovered damages through the bankruptcy proceedings and related litigation stemming from releases of creosote, an industrial wood treatment chemical, to groundwater at former Kerr-McGee Corporation (Anadarko Petroleum Corporation) facilities in Missouri.

Following recovery of the damages, the Department developed the Missouri Statewide Groundwater Restoration Plan (MSGRP) as a planning tool and guide for the implementation of restoration and protection projects that address injuries to the state's groundwater resources. *See* MSGRP, attached as Exhibit 1.

Pursuant to the MSGRP, the Department issued a Request for Proposal (RFP) seeking project proposals to protect groundwater in the general Springfield area where the Kerr-McGee Corporation formerly operated. *See* RFP, attached as Exhibit 2. The Department selected the proposal submitted by the City of Springfield, Missouri (Springfield) for receipt of \$400,000. *See* project proposal, attached as Exhibit 3. As detailed in the project proposal and this Agreement, the project will improve the quality of aquatic and riparian habitats along Jordan Creek to support the protection of groundwater quality.

II. Parties

The Parties to this Agreement are the City of Springfield, Missouri, a charter city organized under the laws of the State of Missouri, and the Missouri Department of Natural Resources, an executive Department of the State of Missouri, established pursuant to Article IV, Sections 12 and 47 of the Missouri Constitution.

III. Scope of Work

As more fully described below, Springfield will:

1. Develop and submit for Department approval, design plans for restoring Jordan Creek from an underground tunnel to a naturalized channel with native riparian vegetation between Boonville and Main Avenues as part of the Renew Jordan Creek Phase 1 project;
2. Construct the channel and riparian vegetation improvements in accordance with the approved plan;
3. Conduct monitoring of riparian vegetation establishment for two growing seasons after completion of construction;
4. Maintain the channel and riparian vegetation in accordance with a maintenance plan;

5. Preserve the channel and riparian vegetation with an approved conservation easement; and
6. Submit an annual report regarding activities performed under this Agreement.

1. Development of Plans

Springfield will develop a Plan, as outlined in Exhibit 3 and subject to Department input and approval for the channel and riparian vegetation improvements comprised solely of plants native to Missouri. The Plan will include design plans for construction of the channel and riparian vegetation improvements and a budget including all anticipated expenses. The Plan will be developed and approved prior to the initiation of construction work and will be reviewed and revised by the Department, if site conditions dictate, and with input from Springfield.

2. Construction

Springfield will implement construction of the channel and riparian vegetation improvements according to the schedule and specifications in the Plan identified above.

3. Monitoring

Monitoring shall be conducted by Springfield, with Department input and assistance, on the channel and riparian vegetation for two growing seasons (April to September) after construction and will be used for feedback on the management of the area. Visual inspections and photos will be used to document progress and success of vegetation establishment.

4. Maintenance

Springfield will develop a maintenance plan for the channel and riparian vegetation and perform maintenance in accordance with the plan. The maintenance plan should include, at a minimum, maintenance objectives, practices, frequencies, and benchmarks for success or maintenance triggers (e.g., % tree survival or invasive species presence). Long term maintenance funds will be provided by Springfield.

5. Conservation Easement

On property owned by Springfield encompassing the majority of channel and riparian vegetation improvements, pursuant to this Agreement, Springfield agrees to encumber same with a perpetual conservation easement that complies with section 442.014, RSMo and is substantially in the form developed and approved by the Department. Such easement must require that the property be managed as a recharge area and riparian habitat and prohibit, to the extent allowed by law, the building of structures, roads, utilities other than those specifically permitted, and the planting of non-native vegetation. The conservation easement will allow for trails, interpretive signage, and other design elements consistent with the intended purpose as a recharge area and riparian habitat. The easement boundary

will be determined based on the final approved plans for the Renew Jordan Creek project as described in Exhibit 3. The easement will provide the Department and their contactors access to the property. Springfield will ensure that the easement is executed and recorded in a timely manner.

6. Project Progress Reporting

Springfield will provide annual project progress reports to the Department for a period of 4 years. Reports shall be in a form acceptable to the Department and shall contain, at a minimum: a narrative description of project activities performed and milestones achieved under each of the six categories listed in the Scope of Work section of this Agreement; and in kind activities performed. The first progress report is due 1 year after effective date, unless the Department requests it earlier.

IV. Budget

Based upon the project budget proposed by Springfield in Exhibit 2, the parties have agreed to the budget for the activities under this Agreement as set forth in Table 1 below.

Table 1. Budget Categories and Amounts Including In-Kind Contributions

Budget Category	Cost Estimate	Proposed Funding Source
Aquatic Habitat and Native Riparian Vegetation Estimated Cost*	\$720,000	\$400,000 NRDAR Grant Funds \$320,000 Local Funds and Other State and Federal Grant and Loan Funds
Renew Jordan Creek Additional Estimated Construction Cost	\$25,940,000	Local Funds and Other State and Federal Grant and Loan Funds
Total Estimated Construction Cost	\$26,660,000	\$400,000 NRDAR Grant Funds \$26,260,000 Local Funds and Other State and Federal Grant and Loan Funds

*This does not include the related costs that are necessary to construct the channel and riparian area.

V. Payments, Financial Reporting and Clawback

1. Up-Front Funding and Reconciliation

Within 60 days following the effective date of this agreement, the Department shall transfer \$400,000 to Springfield. Springfield is responsible for submitting all forms and authorizations required to electronically transfer such funds.

Annually, commencing 12 months following the effective date of this agreement and for a period of 4 years, Springfield shall submit a fiscal report in a format acceptable to the Department, detailing project expenditures to date. The report must contain, at a minimum, a

listing of expenses and amounts incurred for each budget category for the reporting period and the balance of each budget category. The Department shall notify Springfield of any unallowable expenses within 30 days of receiving each fiscal report. Springfield will have 30 days after each notice to cure the deficiencies therein. Once the Department has received, reviewed and notified Springfield of acceptance of the annual report, termination on the expenses and projects for that reporting year shall not be cause for termination of the Agreement as referenced in VIII. Termination.

A final fiscal report, containing the information described in the paragraph above, shall be submitted to the Department within 90 days following the termination or completion of this Agreement. Sixty (60) days after receipt of the final fiscal report, the Department shall notify Springfield of any unallowable expenses contained in the final report. Springfield shall have 30 days thereafter to cure any such deficiencies. Thirty (30) days thereafter, the Department shall notify Springfield of the total dollar amount of unallowable expenses and expenses related to unacceptable or incomplete work. Springfield shall repay the Department the amount of any expense which is found to have been improper, not adequately documented or otherwise unallowable as well as those expenses related to activities or practices which were found, in the final Progress Review to have been unacceptable or incomplete, in the sole discretion of the Department, within 30 days of such notification.

Only reasonable and necessary, properly documented expenses, as determined by the Department, will be allowable. Any expenses not reasonably necessary to perform the activities in the Scope of Work, any expenses exceeding any budget category without proper notification and approval, expenses not properly documented, expenses not included in the budget; or not contemplated under this Agreement will be the sole responsibility of Springfield.

2. Funding Clawback

If eminent domain occurs on the Project Site restored under this Agreement, and is counter to the purpose of this Agreement, the Department will be entitled to the compensation Springfield receives from the entity exercising such power up to the cost of funds awarded under this contract. The Department shall expend any money so received in accordance with the purpose of this Agreement and/or the MSGRP.

VI. Progress Review

The Department will review the progress of this project annually on, or near the anniversary of the signing date of this Agreement. Progress will be evaluated according to the achievement of milestones and tasks within Section III.

VII. Effective Date and Term

The Effective Date of this Agreement shall be the date on which the last party to this Agreement executes this Agreement.

The term of this Agreement shall be from Month, 2024 to Month 1, 2028, unless terminated sooner pursuant to Section VIII, or extended by amendment in accordance with Section IX.

VIII. Termination

This Agreement may be terminated in writing by one party in the event of substantial failure by the other party to fulfill its obligations under this Agreement, provided that no termination may be effected on the basis of information contained within an accepted annual report, and no termination may be effected unless the other party is given 1) no less than thirty (30) calendar days written notice (delivered by certified mail return receipt requested) of intent to terminate, and 2) an opportunity for consultation and remediation of the 'failure' with the terminating party prior to termination. The intent to terminate should include the reasons for termination, together with the effective date and an agreed upon length of time for remediation. Once an annual report is submitted and accepted, expenditures and projects reported in the annual report shall not be the cause of termination.

The Department may terminate the Agreement at any time provided the Department gives Springfield 1) no less than thirty (30) calendar days' written notice of intent to terminate, and 2) an opportunity for consultation with the Department prior to termination, however Springfield will be paid for all work completed at the time of termination.

Upon receipt of termination notice, Springfield shall 1) promptly discontinue all work (unless the notice directs otherwise), and 2) deliver or otherwise make available to the Department all data, reports, estimates, summaries and such other information and material as may have been accumulated by Springfield in performing this Agreement, whether completed or in process.

IX. Amendments

This Agreement and any attachments hereto constitute the entire Agreement between the parties. No amendment to this Agreement shall take effect prior to written approval by the Department, in its capacity as Trustee, and Springfield.

X. Disputes

The dispute resolution procedures of this Section shall be utilized to resolve disputes arising under or with respect to this Agreement before any party initiates legal action to enforce this Agreement.

Informal Dispute Resolution. Any dispute over the meaning of any of the terms of this Agreement or a decision by the Department shall in the first instance be the subject of informal negotiations between the parties to the dispute. Notice of the dispute shall be given by the party alleging the dispute. The notice shall state the specific grounds for the dispute, including any supporting documentation and the relief requested. The parties shall have thirty (30) days from the receipt of the notice of the dispute to resolve the dispute through informal negotiations. If agreement is reached, the resolution shall be reduced to writing. The time for informal negotiations may be extended by written agreement of the parties.

In the event that the parties cannot resolve a dispute by informal negotiations under the preceding paragraph, the Department's position shall be binding unless Springfield successfully seeks judicial resolution of the dispute. Any judicial resolution must be initiated by filing a legal action in the Circuit Court of Cole County, Missouri.

XI. Employment of Unauthorized Aliens Prohibited.

Springfield acknowledges approval of this Agreement requires compliance with Section 285.530, RSMo. regarding enrollment and participation in the federal work authorization program with respect to all persons performing services under this Agreement. Springfield represents and warrants that it is in compliance with Section 285.530, RSMo. at the time of execution of this Agreement and has provided a sworn affidavit in the form attached as Exhibit 4 and supporting documentation affirming participation in a qualified work authorization program as evidence thereof.

XII. Indemnification.

To the extent allowed by law Springfield agrees to protect, indemnify and save harmless the Department, its employees and agents from and against any and all liabilities, losses, suits, judgments, claims, costs (including reasonable attorney's fees), demands and causes of action of any nature whatsoever arising out of or in connection with the performance of this Agreement, by Springfield, its agents, subcontractors (if any), and employees. Nothing in this Agreement waives the Department's or Springfield's claims of sovereign immunity or similar defenses available to the Department, Springfield, or their employees.

XIII. Records Retention and Access.

Springfield shall retain financial records, supporting documents and other records relating to this Agreement and services provided thereunder for a period of three years following the term of this Agreement. If applicable, such records may be subject to review and inspection according to the provisions of Chapter 610 RSMo. Such records are subject to audit or compliance reviews by the Department, and their authorized representatives as well as other entities allowed by law. If any litigation, claim, negotiation, audit or other action involving the records has been initiated before the expiration of the three-year period, Springfield shall retain records until completion of the action and resolution of all issues which arise from it, or until the end of the regular three-year period, whichever is later.

XIV. Additional Conditions.

This Agreement is subject to all applicable State and Federal statutory and regulatory requirements.

XV. Notices

All notices, consents, requests, demands and other communications hereunder are to be in writing and addressed to the Project Manager as listed below:

Missouri Department of Natural Resources
Hazardous Waste Program
Robert Abney, Environmental Program Supervisor
P.O. Box 176
Jefferson City, MO 65102
Telephone: 573-751-8629

e-mail: robert.abney@dnr.mo.gov

City of Springfield
Department of Environmental Services
Carrie Lamb, Water Quality Compliance Officer
290 E. Central Street
Springfield, MO 65802
Telephone: 417-864-1996
e-mail: clamb@springfieldmo.gov

Upon notice in writing, either party may direct that certain notices, consents, requests for demands and other communications hereunder be provided to individuals or third parties not listed in this Agreement. Such a direction in no way relieves a party to this Agreement from the duties hereunder.

XVI. Signature

Each party executing this Agreement warrants that he/she is authorized to do so on behalf of the party for whom he/she signs.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year listed below.

MISSOURI DEPARTMENT OF NATURAL RESOURCES		
MISSOURI DEPARTMENT of NATURAL RESOURCES DIRECTOR Dru Buntin	SIGNATURE	DATE
CITY OF SPRINGFIELD MISSOURI		
CITY MANAGER OR DESIGNEE	SIGNATURE	DATE
CITY ATTORNEY OR ASSISTANT CITY ATTORNEY	SIGNATURE	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	SIGNATURE	DATE

EXHIBIT 1- MISSOURI STATEWIDE GROUNDWATER RESTORATION PLAN

EXHIBIT 2- MODNR REQUEST FOR PROPOSAL

**EXHIBIT 3- CITY OF SPRINGFIELD RESPONSE TO MODNR REQUEST FOR
PROPOSAL**

**EXHIBIT 4- AFFIDAVIT OF SPRINGFIELD REGARDING THE EMPLOYMENT OF
UNAUTHORIZED ALIENS**

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
063

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46080	20	73020	416020	102790	00000	\$400,000	Missouri Department of Natural Resources State Grant Funds - Natural Resource Damage Assessment & Restoration Program
Net Revenue Adjustment						\$400,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46080	20	73020	509110	102790	00000	\$400,000	Renew Jordan Creek - Main to Boonville - Naturalized Stream Channel & Riparian Zone Native Plantings
Net Expenditure Adjustment						\$400,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2023-24 budget by appropriating \$400,000 of state grant funds for the Renew Jordan Creek - Main to Boonville improvement project from the Missouri Department of Natural Resources through the Natural Resource Damage Assessment & Restoration Program to support the protection of groundwater quality.

Requested By:

Dan Smith April 16, 2024
Department Head Date

Approved By:

DL Hill April 16, 2024
Director of Finance Date

Authorization:

Council Bill No. 2024-073
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2024-074 (CARROLL)

FILED: 04/05/2024

ORIGINATING DEPARTMENT: Police

TITLE: A special ordinance authorizing the City Manager, or designee, to accept a grant from the State of Missouri, Department of Public Safety, in the amount of \$797,798 to expand the Mental Health Co-Responder Program; amending the budget for the Police Department for the Fiscal Year 2023-2024 in the amount of \$797,798; and declaring this Ordinance may be passed in one reading pursuant to Sec.2.16(25) of the City Charter.

PURPOSE: To authorize the acceptance of the Crisis Intervention Program Grant from the State of Missouri, Department of Public Safety, in the amount of \$797,798, to expand the Mental Health Co-Responder Program in partnership with Burrell Behavioral Health.

BACKGROUND INFORMATION: The Springfield Police Department has been awarded grant funds from the Missouri Department of Public Safety State Crisis Intervention Program. The department is seeking council approval to accept the funds in the awarded amount of \$797,798 dollars. The funds will be used to increase the number of co-responders and add administrative support staff to the current co-responder program. The current program consists of 3 full-time co-responders who are all employed by Burrell Behavioral Health. The approval would allow for the employment of 3 additional full-time co-responders, 2 part-time co-responders, and 1 full-time administrative support specialist. The funds would be utilized primarily for salary and benefits reimbursement to Burrell Behavioral Health. The grant funds do allow for limited training and equipment purchases. The grant award program started in March 2024 and will continue until approximately July 2026. The approval of these funds will allow the co-responder program to increase its ability to serve more people within the community, with the goal of reducing the need for an unnecessary draw on limited police resources. The additional personnel will provide co-responder coverage on days of the week and times of day that are currently either not staffed for immediate response or are being covered by an on-call basis. The program, which was initiated in September 2022, has already shown benefits and success for the police department and the City of Springfield. Chief Williams has provided regular updates on the number of persons positively impacted by the program during his regular council reports. The funds will allow for the continued partnership with Burrell Behavioral Health to expand and better serve even larger numbers of persons in our community. Finally, this increased availability of co-responders will reduce or, in some cases, eliminate the need for any law enforcement response.

The Springfield Police Department, in partnership with Burrell Behavioral Health, have

been operating a co-responder program since approximately September 2022. The program pairs trained mental health and substance abuse counselors and Springfield police officers. This pairing allows for trained providers to ride along with police officers and be available to respond to persons who may be suffering from a non-law enforcement crisis or issue. The co-response creates the opportunity for the citizen to be evaluated and referred to or taken in for immediate care and treatment, referral to services, or in-home services. The goal of the program is to identify people who have been utilizing police and other emergency services when they find themselves in a crisis and find an alternative to expending those valuable resources. Instead, the program seeks to get these individuals treatment and care they need outside of law enforcement or corrections involvement. The co-responder program identifies these persons in need by either co-responding with an officer who is on-duty or referral via internal communications between the department and the co-responder. The program has experienced a number of successes and there are now individuals being served solely by these mental health co-responders, when it is safe to do so, without law enforcement present. Under the current program, the co-responders are employees of Burrell Behavioral Health. As such, they are employed based upon Burrell Behavioral Health qualifications, which make them uniquely qualified for the co-responder role. The department has seen the benefits of working with our partners at Burrell. The co-responders and officers have developed a great working relationship.

Submitted By: Stacey Parton, Police Major

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

Collin Quigley, Deputy City Manager 4/17/2024

Attachments:

1. Ordinance Police Crisis Intervention Program
2. Police CIPG Grant_BA

One-rdg. X
P. Hrngs.
Pgs. 5
Filed: 04-16-24

Sponsored by: Carroll

First Reading:

Second Reading:

COUNCIL BILL 2024-074

SPECIAL ORDINANCE

AN ORDINANCE

AUTHORIZING the City Manager, or designee, to accept a grant from the State of Missouri, Department of Public Safety, in the amount of \$797,798 to expand the Mental Health Co-Responder Program; amending the budget for the Police Department for the Fiscal Year 2023-2024 in the amount of \$797,798; and declaring this Ordinance may be passed in one reading pursuant to Sec.2.16(25) of the City Charter.

WHEREAS, the Springfield Police Department has been operating a Mental Health Co-Responder Program ("Program") with Burrell Behavioral Health since September 2022; and

WHEREAS, the Program pairs trained providers with Springfield Police Officers to respond to calls involving individuals experiencing a non-law enforcement crisis or issue; and

WHEREAS, the Police Department recently applied for and received a Crisis Intervention Program Grant in the amount of \$797,708 from the State of Missouri, Department of Public Safety; and

WHEREAS, the Police Department intends to use the grant funds to add additional personnel to the Program; and

WHEREAS, upon acceptance of the grant, the City of Springfield will utilize the Crisis Intervention Program Grant funds to contract with Burrell to provide three additional full-time co-responders, two additional part-time co-responders, and one full-time peer support specialist over a three-year period for the expansion of the existing Program; and

WHEREAS, the additional personnel will allow for the continued partnership with Burrell Behavioral Health to expand and better serve even larger numbers of persons in our community.

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

36
37 Section 1 – The City Manager, or designee, is hereby authorized to accept Crisis
38 Intervention Program Grant funds in the amount of \$797,798 from the State of Missouri,
39 Department of Public Safety, for receipt and use by the City's Police Department, and to
40 do all things necessary to accept and to carry out the grant, including the execution of
41 contracts, provided the form of any such contract is approved by the City Attorney.

42
43 Section 2 – The budget of the City's Police Department, for the Fiscal Year 2023-
44 2024, is hereby amended in the accounts and in the amounts as shown on Budget
45 Adjustment No. 058 in the Amount of \$797,798, a copy of which is attached hereto and
46 incorporated herein by reference as "Exhibit A."

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

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

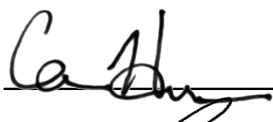
55
56 Section 5 – The City Council hereby finds and declares that this Ordinance
57 authorizes the acceptance of grant funds from the State of Missouri and may be passed
58 as a one-reading ordinance under City Charter Section 2.16(25) as it relates to a
59 contract for the acceptance of grant funds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

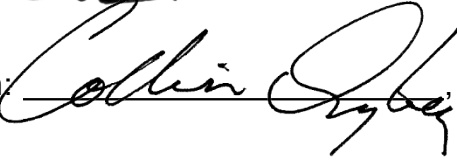
61
62 Passed at meeting: _____

63
64 _____
65 Mayor

66
67 Attest: _____, City Clerk

68
69 Filed as Ordinance: _____

70
71 Approved as to form:  _____, City Attorney

72
73
74 Approved for Council action:  _____, Deputy City Manager
75

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
058

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
25060	18	92510	416020			\$ 797,798	FY24 DPS CIPG GRANT REVENUE
Net Revenue Adjustment						\$ 797,798	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
25060	18	92510	504620			\$ 757,237	FY24 DPS CIPG PERSONNEL COST: 5 CO-RESPONDER AND 1 PEER SUPPORT SPECIALIST
25060	18	92510	505690			21,061	FY24 DPS CIPG TRAVEL/TRAINING
25060	18	92510	501260			19,500	FY24 DPS CIPG OPERATING SUPPLIES
Net Expenditure Adjustment						\$ 797,798	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2023-24 budget by appropriating \$797,798 from the Crisis Intervention Program Grant by Missouri Department of Public Safety.

Requested By:

Paul F. Zwick April 6, 2024
Department Head Date

Approved By:

D. J. Hill April 16, 2024
Director of Finance Date

City Manager Date

Authorization:

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



EXPLANATION TO COUNCIL BILL 2024-075 (HORTON)

FILED: 04/02/2024

ORIGINATING DEPARTMENT: Environmental Services

TITLE: A special ordinance to establish and define the boundaries and adopt the plat, plans, specifications, and sealed estimate of construction costs for Sanitary Sewer District No. 111 of Section No. 5 of the main sanitary sewers of the City of Springfield, Missouri, located in the general vicinity of Talmage and Broadway Street; authorizing the City Manager or designee to advertise for bids for the construction of said sewers; providing for how the cost thereof shall be paid; declaring the necessity of acquiring for public use certain interests in land; authorizing the City Manager or designee to conduct good faith negotiations for the purpose of acquiring said necessary interests in land; and authorizing the City Attorney or designee to institute condemnation proceedings if said necessary interests in land cannot be acquired by purchase through good faith negotiations.

PURPOSE: To establish and define the boundaries and adopt the plat, plans, specifications, and sealed estimate of construction costs, and authorize acquisition of necessary right(s)-of-way by purchase or condemnation thereof, for Sanitary Sewer District No. 111 of Section No. 5 of the main sewers of the City, located in the general vicinity of Talmage Street and Broadway Avenue; further provide that all labor shall be paid the prevailing wages; and direct the City Manager, or designee, to advertise for bids for the construction of said sewers.

BACKGROUND INFORMATION: The project is scheduled for construction as part of the City's sewer construction program, as established in Resolution 7995, to eliminate septic tanks within the City limits and to encourage infill by providing sanitary sewer service. This project will be funded by the Environmental Services' Clean Water Fund operating budget, and the City will tax bill property owners after completion of the project. It will make sewer available to five (5) tracts which will eliminate four (4) septic systems from within the City limits of Springfield. The tract located at 2537 N. Broadway Avenue is connected to the sanitary sewer through a special connection agreement.

Plans, specifications, and a cost estimate have been prepared by the Department of Environmental Services and are on file in the Director's office.

Wastewater from this district would flow to the Northwest Treatment Plant.

To assist property owners with the costs associated with the sewer tax bills and sewer hookup, several programs are available. The City Sewer Financial Assistance Program provides residential property owners with an opportunity to take advantage of a maximum cap per tract on the tax bill amount. A low-interest loan to help with costs for



hookup to the sewer is available through the Department of Environmental Services. The Sanitary Sewer Installation and Connection Assistance Program provides two types of assistance for low- and moderate-income families. One provides a deferred, no-interest loan for sewer hookup costs. The other is a direct grant to offset the cost of the tax bill. The City also provides a 15-year, low-interest payback arrangement for tax bill costs.

This Ordinance is for a public improvement where a special tax bill is issued, and should be a one-reading bill under City Charter Section 10.15.

REMARKS: Environmental Services recommends passage of this Council Bill.

Submitted By: Ron Petering, Assistant Director of Environmental Services

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

Maurice S. Jones, Deputy City Manager 4/16/2024

Attachments:

1. SS District 111, Sec 5_ord
2. SS District 111, Sec 5 Map_ExhA

One-rdg. _____
P. Hrngs. _____
Pgs. 7
Filed: 04-16-24

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024 -075

SPECIAL ORDINANCE _____

AN ORDINANCE

1 TO ESTABLISH AND DEFINE the boundaries and adopt the plat, plans, specifications,
2 and sealed estimate of construction costs for Sanitary Sewer District No. 111 of
3 Section No. 5 of the main sanitary sewers of the City of Springfield, Missouri,
4 located in the general vicinity of Talmage and Broadway Street; authorizing the
5 City Manager or designee to advertise for bids for the construction of said
6 sewers; providing for how the cost thereof shall be paid; declaring the necessity
7 of acquiring for public use certain interests in land; authorizing the City Manager
8 or designee to conduct good faith negotiations for the purpose of acquiring said
9 necessary interests in land; and authorizing the City Attorney or designee to
10 institute condemnation proceedings if said necessary interests in land cannot be
11 acquired by purchase through good faith negotiations.
12 _____

13
14 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
15 SPRINGFIELD, MISSOURI, as follows, that:

16
17 Section 1 – Sanitary Sewer District No. 111 of Section No. 5 of the main sanitary
18 sewers of the City of Springfield, Missouri, is hereby established and the boundaries of
19 said sanitary sewer district are described as follows: A PART OF THE EAST ONE-
20 HALF OF THE SOUTHWEST QUARTER, AND A PART OF THE SOUTHWEST
21 QUARTER OF THE SOUTHEAST QUARTER, ALL IN SECTION 2, TOWNSHIP 29
22 NORTH, RANGE 22 WEST, AND INCLUDING A PART OF HIDAY’S ADDITION
23 (RECORDED IN PLAT BOOK C AT PAGE 65), ALL IN THE CITY OF SPRINGFIELD,
24 GREENE COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
25 BEGINNING AT THE NORTHEAST CORNER OF LOT 16 OF HIL CRES
26 SUBDIVISION (RECORDED IN PLAT BOOK “R” AT PAGE 34); THENCE WEST,
27 ALONG THE SOUTH RIGHT-OF-WAY LINE OF TALMAGE STREET TO THE
28 NORTHWEST CORNER OF LOT 17 OF SAID HIL CRES SUBDIVISION; THENCE
29 NORTH TO THE NORTHWEST CORNER OF THE SOUTH ONE-HALF OF THE
30 SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST
31 QUARTER OF SAID SECTION 2; THENCE EAST, ALONG THE NORTH LINE OF
32 SAID SOUTH ONE-HALF, TO THE NORTHEAST CORNER OF THE WEST 66 FEET
33 OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER OF THE

34 NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2;
35 THENCE SOUTH 205 FEET; THENCE EAST 70 FEET; THENCE SOUTH TO THE
36 SOUTH RIGHT-OF-WAY LINE OF TALMAGE STREET; THENCE EAST, ALONG SAID
37 SOUTH RIGHT-OF-WAY LINE, TO THE EAST RIGHT-OF-WAY LINE OF BROADWAY
38 AVENUE, BEING AT THE NORTHWEST CORNER OF LOT 10 OF WOODLAWN (A
39 SUBDIVISION RECORDED IN PLAT BOOK "I" AT PAGE 42); THENCE SOUTH,
40 ALONG SAID EAST RIGHT-OF-WAY LINE, TO THE POINT OF INTERSECTION
41 WITH THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOTS 1 AND 12 OF
42 BLOCK 2 OF SAID HIDAY'S ADDITION; THENCE WEST, ALONG SAID SOUTH LINE,
43 AND ALONG ITS WESTERLY EXTENSION, TO THE EAST LINE OF SAID HIL CRES
44 SUBDIVISION; THENCE NORTH, ALONG SAID EAST LINE, TO THE POINT OF
45 BEGINNING.
46

47 Section 2 – The plat of Sanitary Sewer District No. 111 of Section No. 5 of the
48 main sanitary sewers of the City of Springfield, Missouri, a copy of which is attached
49 hereto and incorporated by reference as Exhibit A, is hereby approved and accepted.

50 Section 3 – The plans for construction of Sanitary Sewer District No. 111 of
51 Section No. 5, consisting of the plat, plan, profile, specifications, and a sealed estimate
52 of the costs, prepared for the City Manager by the Director of Environmental Services,
53 are on file in the Director's Office. Said plans are hereby approved by City Council and a
54 copy of the sealed estimate ordered placed on file with the City Clerk.
55

56 Section 4 – The City Manager, or designee, is hereby authorized to proceed in
57 accordance with Section 98-286 of the Springfield City Code, and to advertise by
58 publication in a daily printed newspaper in the City for three (3) consecutive issues for
59 sealed bids to be submitted in accordance with the plans and specifications for the cost
60 of labor and materials. All bidders shall be required as a condition of submitting a bid to
61 agree their bid shall not be withdrawn for a period of 90 days from the date of the bid
62 opening specified in the bid notice. Bidders shall be notified that payment for the cost of
63 the project shall be from the Environmental Services' Clean Water Fund operating
64 budget and there will be progress payments during the course of the project with final
65 payment to be made to the contractor upon acceptance of the project by the City. The
66 City Manager, or his designee, is hereby authorized to publicly open said bids and shall
67 report to the City Council, at its next meeting, the name and bid of the lowest responsive
68 bidder.
69

70 Section 5 – The City Council has determined that the Environmental Services'
71 Clean Water Fund operating budget will be used to pay all or part of the construction
72 costs, and the City Council has or will provide that all the cost of such improvements in
73 the sewer district shall be assessed and levied on the properties benefited thereby,
74 which will be eligible for the City Sewer Financial Assistance Program under Chapter
75 98, Article VI, Section 98-286(4)(b) of the Springfield City Code. The City, or its
76 assignees, shall collect all special assessments so levied in the manner therein
77 provided and shall use such collections to reimburse the City for the amount paid or to
78 be paid from the Environmental Services' Clean Water Fund operating budget for such
79 improvement.
80

81 Section 6 – The special assessments for the project shall include all costs of
82 labor, materials, interest, publications, postage, abstracts, fees for engineering and plan
83 review which shall not exceed 15 percent of the contract bid price for the project, or of
84 the engineer’s estimated price, whichever is the lesser, the cost of the necessary
85 right(s)-of-way, and a connection fee not to exceed the connection schedule established
86 by Section 120-246 of the Springfield City Code.

87
88 Section 7 – It is hereby found, determined, and declared that it is necessary and
89 in the public interest for the public purpose of constructing, maintaining, and repairing
90 sanitary sewer improvements in the general vicinity of Talmage and Broadway Street,
91 to acquire, by purchase or condemnation proceedings, certain interests in land for such
92 public improvements, including but not limited to construction, maintenance, and repair
93 of a sanitary sewer system, and all work incidental and subsidiary thereto, all of which
94 are situated in the City of Springfield, Greene County, Missouri, as described in Exhibit
95 A.

96
97 Section 8 – The City Manager or designee are hereby authorized to conduct
98 good faith negotiations for the purpose of acquiring the necessary interests in land, as
99 described in Exhibit A.

100
101 Section 9 – The City Manager or designee are hereby authorized to execute
102 necessary documents to pay and disburse funds to property owners, others holding
103 property rights, and escrow agents pursuant to negotiated agreements for the purchase
104 of the necessary interests in land, as described in Exhibit A.

105
106 Section 10 – In the event of failure, following good faith negotiations, to reach
107 agreement on the amount of compensation to be paid for such necessary interests in
108 land, as described in Exhibit A, and the acquisition thereof by purchase, the City
109 Attorney or designee are hereby authorized to institute condemnation proceedings for
110 the purpose of acquiring such necessary interests in land.

111
112 Section 11 – If any section, subsection, sentence, clause, phrase or portion of
113 this ordinance is held to be invalid or unconstitutional, or unlawful for any reason by any
114 court of competent jurisdiction, such portion shall be deemed and is hereby declared to
115 be a separate, distinct and independent provision of this ordinance, and such holding or
116 holdings shall not affect the validity of the remaining portions of this ordinance.

117
118 Section 12 – This Ordinance shall be in full force and effect from and after
119 passage.

120
121 Passed at meeting: _____

122
123 _____
124 Mayor

125
126 Attest: _____, City Clerk

128 Filed as Ordinance: _____

129

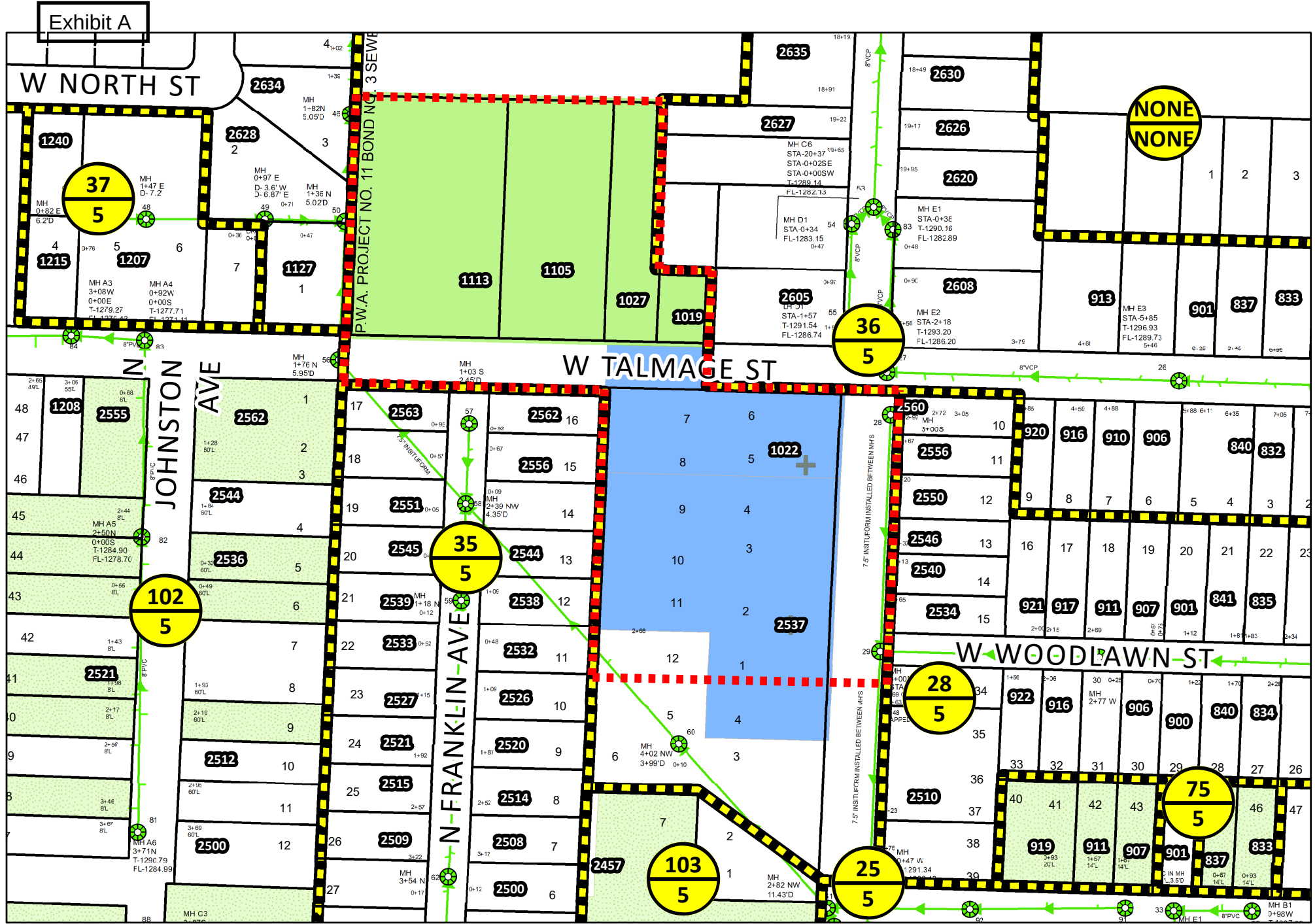
130

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

132

133

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



Environmental Services **Springfield, Missouri**



1 inch = 158 feet
 Date: 3/8/2024

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



Sanitary Sewer District 111 of Section 5



EXPLANATION TO COUNCIL BILL 2024-076 (HOSMER)

FILED: 04/03/2024

ORIGINATING DEPARTMENT: Public Works

TITLE: A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' Article VI, 'Finances,' Division 2, 'Purchasing,' Section 2-401, 'Purchasing Manual adopted,' by revising Section 13-3.104(5)(C) for the purpose of allowing a "Construction Manager at Risk" to advertise and receive bids.

PURPOSE: Amending the Springfield City Code, Chapter 2, 'Administration,' Article VI, 'Finances,' Division 2, 'Purchasing,' Section 2-401, 'Purchasing Manual adopted,' by revising Section 13-3.104(5)(C) for the purpose of allowing a "Construction Manager at Risk" to advertise and receive bids.

BACKGROUND INFORMATION: Construction Manager at Risk ("CMAR") is a project delivery method that fosters a more collaborative relationship among the architect/engineer, owner, and contractor during the design and construction of a capital improvement project. The City amended the Purchasing Manual to allow for the use of the CMAR method in 2020 by General Ordinance 6605.

The method adopted in General Ordinance 6605 is generally consistent with the provisions adopted by state statute (RSMo 67.5050). However, whereas the state statute allows the CMAR to advertise and receive bids or proposals for the major elements of a project, the City's process provides for the City to advertise and receive those bids or proposals.

Allowing the CMAR to advertise and receive bids or proposals would better align the City's process with the process adopted by Missouri and other areas around the country and help facilitate effective communication between potential bidders and the CMAR.

REMARKS: Public Works and Purchasing recommend approval of this Council bill.

Submitted By: Eric Claussen, Assistant Director of Public Works

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Maurice S. Jones, Deputy City Manager 4/16/2024

Attachments:

1. CMAR Ordinance
2. CMAR revision_ExhA (2)

One-rdg. _____
P. Hrngs. _____
Pgs. 7
Filed: 04-16-24

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024 -076

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 2, 'Administration,' Article VI,
2 'Finances,' Division 2, 'Purchasing,' Section 2-401, 'Purchasing Manual
3 adopted,' by revising Section 13-3.104(5)(C) for the purpose of allowing a
4 "Construction Manager at Risk" to advertise and receive bids.
5 _____
6

7 WHEREAS, the Construction Manager at Risk ("CMAR") bidding and contracting
8 process provides a unique relationship between owner, designer, general contractor,
9 and sub-contractors bringing together multiple disciplines early in the project to deliver
10 better overall value in particular construction projects; and
11

12 WHEREAS, use of this process was authorized by the State of Missouri in 2016
13 with the passage of 67.5050 RSMo., which provides for the CMAR to advertise and
14 receive bids or proposals for major elements of a project; and
15

16 WHEREAS, the City adopted the CMAR method in General Ordinance 6605, but
17 provided for the City to advertise and receive bids or proposals instead of the CMAR;
18 and
19

20 WHEREAS, allowing the CMAR to advertise and receive bids or proposals would
21 better align the City's process with the process adopted by the State of Missouri, and
22 would help facilitate effective communication between the CMAR and potential bidders.
23

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

27 Section 1 – City Council hereby amends the Springfield City Code, Chapter 2,
28 'Administration,' Article VI, 'Finances,' Division 2, 'Purchasing,' Section 2-401,
29 'Purchasing Manual adopted,' by revising 13-3.104 'Regulations Governing Competitive
30 Bidding,' section (5)(C), as set forth in "Exhibit A," attached hereto and incorporated
31 herein by reference.
32

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

38
39 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
40 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
41 affect the validity of the remaining portions of this Ordinance. City Council hereby
42 declares that it would have adopted the Ordinance and each section, subsection,
43 sentence, clause or phrase thereof, irrespective of the fact that any one or more
44 sections, subsections, sentences, clauses, or phrases be declared invalid.

45
46 Section 4 – This Ordinance shall be in full force and effect from and after
47 passage.

48
49 Passed at meeting: _____

50
51 _____
52 Mayor

53
54 Attest: _____, City Clerk

55
56 Filed as Ordinance: _____

57
58 Approved as to form: Kyle Tollett, Assistant City Attorney

59
60 Approved for Council action: Jason A. Hage, City Manager
61
62

Exhibit A

Language to be added is underlined. Language to be deleted is ~~stricken~~.

13-3.104 REGULATIONS GOVERNING COMPETITIVE BIDDING

5. Bidding Methods – Informal or formal bids exceeding \$5,000.00 may be made utilizing either of two methods:

(C) CONSTRUCTION MANAGER AT RISK (“CMAR”)

- 1) When appropriate for the project such as, but not limited to: civil works projects such as roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water distribution and wastewater conveyance facilities, airport runways and taxiways, storm drainage and flood control projects, or transit projects commonly designed by professional engineers in excess of two million dollars total project cost; and noncivil works projects such as buildings, site improvements, and other structures, habitable or not, commonly designed by architects in excess of three million dollars total project cost and subject to the terms and conditions set forth herein, the City may use the process known as “Construction Manager At Risk”.

2) DEFINITIONS:

As used in this section, the following terms mean:

- a. "Construction manager", the legal entity that proposes to enter into a construction management-at-risk contract under this section.
- b. "Construction manager-at-risk", a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for the construction, rehabilitation, alteration, or repair of a project at the contracted price as a general contractor and provides consultation to the City regarding construction during and after the design of the project.
- c. “Guaranteed Maximum Price” (GMP), shall mean the costs necessarily incurred by the Construction Manager for the proper performance of the Work and based on a defined scope of work. The GMP will typically include costs for preconstruction services, contractor’s fee including office expenses, overhead, and profit, construction costs including general conditions work, materials, subcontractors, supplies, owner’s contingency, and other costs necessary to deliver a specific project complete and accepted by the City. General conditions costs are generally defined as the those incurred by the contractor for their onsite

supervision, inspections, coordination, and managing of the work, as well as equipment, utilities, facilities, bonds, insurance, labor, etc. The GMP will typically not include professional design services.

- d. "Total Project Cost", shall mean any and all costs necessary for the successful completion of the project. These may include but are not limited to expenses incurred for planning, design, land and easement acquisition, permitting, bidding, administration, construction, inspection, and other applicable costs which are essential to complete the project.
- 3) For each project for which CMAR is being used, the City Council shall disclose such at a regular meeting and announcing its selection criteria at least one week prior to the publication of the request for qualifications.
- 4) The City shall select, based upon the qualifications in section 8.285 to 8.291 RSMo., a primary engineer or architect before or concurrent with the selection of the CMAR to prepare the construction documents for the project in compliance with all state laws and professional standards. The primary engineer or architect may not serve in any capacity as the CMAR but is not prohibited from providing customary construction administration services as part of their job duties and in accordance with applicable licensing laws.
- 5) Nothing herein shall be construed to prohibit the City from contracting with or engaging independent/third party inspection, testing and engineering services necessary for acceptance of the project.
- 6) Procedure: Projects utilizing the CMAR project delivery method shall be in two parts: selection of the CMAR, followed by engagement of contractors and sub-contractors. Both steps are to be publicly advertised and procured in accordance with applicable city procurement requirements, and if the project involves federal or state funds, applicable state law, City Charter, and City Code or federal procurement requirements.

Publication for the request for qualifications or proposals shall be by publication in a newspaper of general circulation published in Greene County once a week for two consecutive weeks prior to opening the proposals or qualifications submissions or by a virtual notice procedure that notifies interested parties for at least twenty various purchases, design contracts, construction contracts, or other contracts each year for the City.

- a) Selection of CMAR. After, but at least one week following, the Council's announcement of its intent to use CMAR on a particular project, the City shall solicit a request for qualifications (RFQ). The RFQ at a minimum shall include general information on the project site, project scope, schedule, selection criteria, and the time and place for receipt of qualifications, and other information that may assist the City in its selection of a CMAR.

The City shall state the selection criteria in the request for qualifications. The selection criteria may include the construction manager's experience, past performance, safety record, proposed personnel and methodology, and other appropriate factors that demonstrate the capability of the CMAR. The Director of the Department which is procuring the CMAR shall promulgate such rules and regulations needed to identify selection criteria based upon the type of project. No fees or prices shall be included in the initial response.

- b) After review, the City may request that five or fewer construction managers, selected solely on the basis of qualifications, provide additional information as part of a request for proposals (RFP). RFPs, at a minimum, shall include a description of the scope of work, design guidelines, project goals, applicable deadlines, budget, selection criteria, time and place for receipt of proposals, and other information that may assist the City in its selection of a CMAR. CMARs shall also include their proposed fee and price for fulfilling the general conditions.

Qualifications shall account for a minimum of forty percent of the evaluation. Cost shall account for a maximum of sixty percent of the evaluation.

- 7) For each step, the City shall receive, publicly open, and read aloud the names of the construction managers. Within forty-five days after the date of opening the proposals or qualification submissions, the City or its representative shall evaluate and rank each proposal or qualification submission submitted in relation to the criteria set forth in the request for proposals or request for qualifications. The City shall interview at least two of the top qualified offerors as part of the final selection.
- 8) City shall select the construction manager that submits the proposal that offers the best value for the City based on the published selection criteria and on its ranking evaluation.
The City or its representative shall first attempt to negotiate a contract with the selected construction manager. If the City or its representative is unable to negotiate a satisfactory contract with the selected construction manager, the City or its representative shall, formally and in writing, end negotiations with that construction manager and proceed to negotiate with the next construction manager in the order of the selection ranking until a contract is reached or negotiations with all ranked construction managers end.
- 9) After the City has entered into a contract with the CMAR, the ~~City~~ CMAR shall publicly advertise, in the manner required by applicable City procurement requirements, and if the project involves state or federal funds, applicable state or federal procurement requirements or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than the minor work that may be included in the general conditions.

A construction manager-at-risk may seek to perform portions of the work itself if the construction manager-at-risk submits its sealed bid or sealed proposal for those portions of the work in the same manner as all other trade contractors or subcontractors. The City shall have the authority to restrict the construction manager-at-risk from submitting bids to perform portions of the work. All sealed bids or proposals shall be submitted at the time and location as specified in the advertisement for bids or proposals and shall be publicly opened and the identity of each bidder and their bid amount shall be read aloud.

- 10) The construction manager-at-risk and the City shall review all trade contractor, subcontractor, or construction manager-at-risk bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process to a person not employed by the construction manager-at-risk, engineer, architect, or City involved with the project. If the construction manager-at-risk submitted bids or proposals, the City shall determine if the construction manager-at-risk's bid or proposal offers the best value for the City. After all proposals have been evaluated and clarified, the award of all subcontracts shall be made public.
- 11) If the construction manager-at-risk reviews, evaluates, and recommends to the City a bid or proposal from a trade contractor or subcontractor but the City requires another bid or proposal to be accepted, the City shall compensate the construction manager-at-risk by a change in price, time, or guaranteed maximum cost for any additional cost and risk that the construction manager-at-risk may incur because of the City's requirement that another bid or proposal be accepted.
- 12) If a selected trade contractor or subcontractor materially defaults in the performance of its work or fails to execute a subcontract after being selected in accordance with this section, the construction manager-at-risk may itself, with approval of the City, and without further advertising, fulfill the contract requirements or select a replacement trade contractor or subcontractor to fulfill the contract requirements.
- 13) The penal sums of the performance and payment bonds delivered to the City shall each be in an amount equal to the fixed contract amount or guaranteed maximum price. The construction manager-at-risk shall deliver the bonds not later than the tenth day after the date the fixed contract amount or guaranteed maximum price is established.



EXPLANATION TO COUNCIL BILL 2024-077 (HORTON)

FILED: 04/04/2024

ORIGINATING DEPARTMENT: Environmental Services

TITLE: A special ordinance authorizing the City Manager, or designee, to grant a perpetual conservation easement to the Missouri Department of Natural Resources ("MDNR") to protect a portion of City-owned property for the Renew Jordan Creek – Main Avenue to Boonville Avenue project.

PURPOSE: Authorizing the City Manager, or designee, to grant a perpetual conservation easement to the Missouri Department of Natural Resources ("MDNR") to protect a portion of City-owned property for the Renew Jordan Creek – Main Avenue to Boonville Avenue project.

BACKGROUND INFORMATION: The City was awarded state grant funds in the amount of \$400,000 from MDNR through the Natural Resource Damage Assessment and Restoration program for the Renew Jordan Creek – Main Avenue to Boonville Avenue project. The grant requires a perpetual conservation easement encompassing the naturalized stream channel and riparian vegetation improvements that will be funded by the grant. The conservation easement will encompass approximately 2.3 acres of the Jordan Creek channel and riparian area between Main Avenue and Boonville Avenue.

The easement will provide permanent protection of the conservation values, including but not limited to aquatic and riparian habitat, of the newly constructed channel and riparian vegetation once the project is complete. A naturalized stream channel and healthy riparian corridor with trees and native plants provides many community and environmental benefits, including groundwater protection, natural filtration and absorption of stormwater runoff, stream channel stability, aquatic and wildlife habitat, and restoration of a cultural and historical resource.

REMARKS: Both Environmental Services and Public Works recommend approval of this Council Bill.

Submitted By: Ron Petering, Assistant Director of Environmental Services

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

Maurice S. Jones, Deputy City Manager 4/16/2024

Attachments:

1. Conservation Easement Renew Jordan Creek Ordinance
2. Conservation Easement Renew Jordan Creek Agreement_Exh1

One-rdg. _____
P. Hrngs. _____
Pgs. 26
Filed: 04-16-24

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-077

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to execute a perpetual conservation
2 easement to the Missouri Department of Natural Resources to
3 protect a portion of City-owned property for the Renew Jordan
4 Creek – Main Avenue to Boonville Avenue project.
5 _____
6

7 WHEREAS, the City was awarded state grant funds in the amount of \$400,000
8 from the Missouri Department of Natural Resources (“MDNR”) through the Natural
9 Resource Damage Assessment and Restoration Program for the Renew Jordan Creek
10 – Main Avenue to Boonville Avenue project (“Project”); and
11

12 WHEREAS, the grant requires the City to dedicate a perpetual conservation
13 easement to MDNR encompassing the naturalized stream channel and riparian
14 vegetation improvements that will be funded by the grant; and
15

16 WHEREAS, the perpetual conservation easement will encompass approximately
17 2.3 acres of the Jordan Creek naturalized stream channel and riparian area between
18 Main Avenue and Boonville Avenue; and
19

20 WHEREAS, the perpetual conservation easement will provide permanent
21 protection of the conservation values, including but not limited to aquatic and riparian
22 habitat, of the newly constructed naturalized stream channel and riparian vegetation
23 improvements once the Project is complete; and
24

25 WHEREAS, a naturalized stream channel and healthy riparian corridor with trees
26 and native plants provides many community and environmental benefits including
27 groundwater protection, natural filtration and absorption of stormwater runoff, stream
28 channel stability, aquatic and wildlife habitat, and restoration of a cultural and historical
29 resources.
30

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

34 Section 1 – The City Manager, or designee, is hereby authorized to execute a
35 perpetual conservation easement to Missouri Department of Natural Resources on
36 portions of City-owned property for the Renew Jordan Creek – Main Avenue to
37 Boonville Avenue Project and said easement shall be substantially in the form and
38 content as the documents attached hereto and incorporated herein by reference as
39 “Exhibit 1.”

40
41 Section 2 – This Ordinance shall be in full force and effect from and after
42 passage.

43
44 Passed at meeting: _____

45
46 _____
47 Mayor

48
49 Attest: _____, City Clerk

50
51 Filed as Ordinance: _____

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

55
56
57 Approved for Council action: Juan C. Page, City Manager

Exhibit 1

(ABOVE SPACE RESERVED FOR RECORDER'S USE)

Document Title: Conservation Easement

Document Date:

Grantor: City of Springfield
840 Boonville Avenue, Springfield, Missouri 65802

Grantee/Holder: Missouri Department of Natural Resources
P.O. Box 176, 1101 Riverside Drive, Jefferson City, Missouri 65102

Legal Description: *[Insert here if space allows OR refer to attached Exhibit]*

Refer to Exhibits A and B.

GRANT OF CONSERVATION EASEMENT

THIS GRANT DEED OF DEVELOPMENT RIGHTS AND CONSERVATION EASEMENT AND RESTRICTIONS ("Conservation Easement") is made this ____ of _____, 2023, by and between the Grantor, the City of Springfield a municipality in Missouri, having an address at 840 Boonville Ave., Springfield, Missouri 65802 (the "Landowner"), in favor of the Grantee, THE MISSOURI DEPARTMENT OF NATURAL RESOURCES ("Holder" or "Department").

WITNESSETH:

WHEREAS, the Department, created pursuant to Article IV, Sections 12 and 47 of the Missouri Constitution with the authority to administer programs of the State as provided by law relating to environmental control and the conservation and management of natural resources, is a department of the State of Missouri and a governmental body empowered to hold a conservation easement for the purpose of retaining or protecting natural, scenic, or open-space values, maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property as set forth in Section 442.014 RSMo; and

WHEREAS, the State of Missouri has certain interests in or responsibilities for the natural resources located within the state, individually and in cooperation with other governmental entities. Attendant with those interests or responsibilities is the authority under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. Section 9601 *et seq.*, the Federal Water Pollution Control Act, 33 U.S.C. Section 1251 *et seq.*, and the Oil Pollution Act of 1990, 33 U.S.C. Section 2701 *et seq.*, to recover natural resource damages from responsible parties and apply the money so recovered toward the restoration, replacement, rehabilitation or acquisition of the equivalent of the natural resources which were injured, destroyed or lost; and

WHEREAS, pursuant to the above-cited authorities, the Governor of Missouri has designated the director of the Department as the trustee of the natural resources of the State. Pursuant to those duties and responsibilities the Department is a member of the Missouri Natural Resource Damages Trustee Council ("Trustee Council") along with the U.S. Fish and Wildlife Service; and

WHEREAS, Landowner owns in fee simple approximately 2.3 acres (more or less) of certain real property (the "Protected Property") situate, lying, and being in the County of Greene, State of Missouri, and more particularly described in **Exhibits A and B** attached hereto and depicted for illustrative purposes in **Exhibits C and D** and

WHEREAS, Landowner is willing to grant a perpetual Conservation Easement over the Protected Property to Holder, thereby restricting and limiting the use of the Protected Property as hereinafter provided in this Conservation Easement for the purposes hereinafter set forth; and

WHEREAS, Landowner and Holder have identified significant conservation values on the Protected Property as described in **Exhibit E** (hereafter "Conservation Values"), and have common purposes in conserving and preserving these Conservation Values and the natural, aquatic, riparian, wetland, floodplain, environmental, scenic, and/or cultural characteristics of the Protected Property, and in maintaining viable resource-based land use and proper management of the Protected Property, and, to the extent hereinafter provided, in preventing the use or development of the Protected Property for any purpose or in any manner that would conflict with the maintenance of the Protected Property in its natural condition as described herein, subject to other reasonable uses as provided for herein; and

WHEREAS, the specific Conservation Values of the Protected Property are further documented in an inventory of relevant features of the Protected Property on file at the offices of the Department. These documents consist of reports, maps, photographs and other documentation, including restoration and maintenance plans

(approved by the Trustee Council) ("Baseline Documentation"). The parties agree that the Baseline Documentation provides an accurate representation of the Protected Property's condition at the time of this grant, as well as its expected condition following any restoration activities that the landowner may undertake or authorize. It is agreed that the Baseline Documentation can and should be updated to reflect the new conditions of the Protected Property following the completion of any such restoration activities. The Baseline Documentation is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant. Information comprising the Baseline Documentation can be obtained by making a request to the Department at the address contained in Article VIII, Section Q below; and

WHEREAS, the grant of this Conservation Easement is consistent with and in furtherance of the statutes of the State of Missouri and the purposes set forth therein and the purposes of the Department.

NOW, THEREFORE,

GRANT

KNOW ALL PERSONS BY THESE PRESENTS that, Landowner on behalf of itself and its heirs, successors and assigns, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the laws of the United States and the State of Missouri, does freely give, grant, bargain, transfer, convey and confirm forever unto Holder and its successors and assigns, the development rights associated with the Protected Property, and a perpetual Conservation Easement (as more particularly set forth below) in the Protected Property that is described in **Exhibits A and B** and illustrated in **Exhibits C and D** attached hereto and incorporated herein.

This Conservation Easement is perpetual. Landowner grants these development rights with the intention that they shall be binding restrictions that shall run with the land and be enforceable on all successors and assignees of the Landowner. Holder accepts such Conservation Easement in perpetuity in order to achieve the purposes set forth in Article I below.

Article I. Purposes of the Conservation Easement

The purpose of this Conservation Easement is to preserve and protect in perpetuity the significant Conservation Values of the Protected Property as described in **Exhibit E** by confining the development, management and use of the Protected Property to activities that are consistent with the preservation of these Conservation Values, by prohibiting activities that significantly impair or interfere with these Conservation Values, and by providing for remedies in the event of any violation of this Conservation Easement. More specifically, but in no way limiting the above, Landowner and Holder acknowledge that the purposes of this grant (hereafter "Purposes of this Conservation Easement") include the following:

- A. To contribute to and further the policies of the State of Missouri designed to foster the preservation of open space or open areas, conservation of the state's forest, soil, surface and subsurface water quality, wildlife habitat, prairies and other natural and scenic resources, consistent with Section 442.014 RSMo.
- B. To conserve the open space, wildlife habitats, native plants, riparian zones, streams, springs, and other natural resource and scenic values of the Protected Property for present and future generations consistent with Section 442.014 RSMo.
- C. To prevent any use of the Protected Property that will significantly impair or interfere with the Conservation Values listed herein.

To achieve these objectives, the following terms are set forth:

Article II. Rights of Holder

In order to accomplish the Purposes of the Conservation Easement, the following rights are conveyed to Holder by this Conservation Easement:

- A. To identify, preserve and protect in perpetuity the Conservation Values of the Protected Property; and
- B. To enter upon the Protected Property, at reasonable times, to monitor compliance with, inspect, observe, document (including but not limited to photographs, maps, GPS) and otherwise enforce the terms of this Conservation Easement, using the right of access over any and all roads owned by Landowner and any other access rights or easements. Except in cases where Holder determines that immediate entry is required to prevent, terminate, or mitigate a violation of this Conservation Easement, such entry shall be upon prior notice to Landowner, when reasonably possible, and Holder shall not in any case unreasonably interfere with Landowner's use and quiet enjoyment of the Protected Property; and
- C. To prevent or contain any activity on or use of the Protected Property that violates or is inconsistent with the Purposes of this Conservation Easement, and to require the restoration of such areas or features of the Protected Property that may be damaged by any violation or inconsistent activity or use, pursuant to the remedies set forth in this agreement or available at law or equity; and
- D. To interpret this Conservation Easement, apply this Conservation Easement to factual conditions on or about the Protected Property, respond to requests for information from persons having an interest in this Conservation Easement or the Protected Property, and apply this Conservation Easement to changes occurring or proposed within the Protected Property.

Article III. Prohibited Uses of the Protected Property

Any activity on or use of the Protected Property inconsistent with the Purposes of this Conservation Easement is prohibited. Without limiting the foregoing, the following activities and uses are expressly prohibited:

A. Divisions or Subdivision of the Protected Property

The Protected Property shall not be physically, legally or in any other way subdivided or conveyed in separate parcels. An extraordinary circumstance which compels subdivision can only be allowed with the prior written approval of the Holder determined by the Holder at its own discretion, and in a manner consistent with the Purposes of this Conservation Easement.

B. Industrial or Commercial Activities on the Protected Property

All industrial and commercial activities are prohibited on the Protected Property, except this does not prohibit use of the Protected Property for a park as further described herein.

C. Construction and Improvements

No building, facility, or other structure whether permanent or temporary shall be constructed, created, installed or moved onto the Protected Property, except as permitted under Article III, Sections F or L or Article IV of this

Conservation Easement. Fencing is prohibited except as permitted under Article IV of this Conservation Easement or as required by federal, state or local health and safety laws, ordinances, or regulations or to respond to emergency needs, provided that any fencing created shall be installed to minimize visual impacts to the scenic qualities of the Protected Property and impediments to the natural movement of wildlife.

D. Roads and Utilities

Except as specifically permitted in this Conservation Easement, rights-of-way, easements of ingress or egress, driveways, roads, parking areas or utility lines or easements constructed, created, developed or maintained into, on, over, under, or across the Protected Property are prohibited, except those used in connection with restoration or management activities, or critical infrastructure that are approved and agreed to by the Landowner and the Holder, and are consistent with the Purposes of this Conservation Easement and those in effect and shown by the public records. The approximate location of existing road and railroad easements and existing sanitary sewer and utility lines are illustrated on the map in Appendix F. Where new utility lines and associated easements are permitted, the utility lines shall be installed underground, if reasonably possible. Any new utilities and easements that are approved by the Landowner and the Holder will be subject to the rights, restrictions, and other matters of record contained in this Conservation Easement and affecting the Protected Property as of the date hereof.

E. Motorized Vehicles

Motorized vehicular traffic (excluding the necessary use of devices assisting disabled persons) and parking of vehicles on the Protected Property is prohibited, except on designated roadways and parking areas as permitted by this Conservation Easement. Nothing herein shall limit the use of motorized vehicles as needed to control fire and/or for biological management, or security patrol, restoration, construction, maintenance, health and safety, or law enforcement purposes.

F. Recreational Uses

All commercial recreational uses of the Protected Property and other non-commercial forms of recreational use that involve horses, all-terrain vehicles or other motorized conveyances (except those reasonably necessary to assist disabled people), and other organized sports shall be prohibited. Swimming pools, boating ramps and recreational fields or sporting courts, sporting fields or sporting diamonds are prohibited unless specifically permitted in Article IV. Use of the Protected Property is restricted to passive activities associated with nature appreciation and outdoor enjoyment, such as picnics, birding, hiking, biking, natural interpretation, photography, artistic painting, education exhibits or events related to outdoor appreciation. Facilities associated with passive recreational use of the Protected Property are benches, trails, trail bridges, temporary tents and exhibits, signs and lighting. Use of bicycles and non-motorized conveyances are restricted to designated trails. Trails and trail bridges shall be created and used only as permitted in Article IV.

G. Dumping, Placement or Storage of Materials

Dumping of soil, trash, ashes, garbage, waste, abandoned vehicles, machinery, appliances, or other materials on the Protected Property is prohibited, except that soil, rocks and other earth materials, vegetative matter, or compost may be placed as may be reasonably necessary for horticulture and habitat enhancement or maintenance and for the construction and/or maintenance of permitted trails and roadways. The temporary storage of trash in receptacles for periodic off-site disposal shall be permitted provided such activities are consistent with the permitted uses of the Protected Property and do not create or threaten degradation of water resources. Manure and compost shall not be stored within 50 feet of streams.

H. Excavation of Materials

Disturbance of the surface, including but not limited to filling, excavation, removal of topsoil, sand, gravel, rocks or minerals, or change of the topography of the land in any manner is prohibited, except as may be reasonably necessary to carry out the uses permitted on the Protected Property under the terms of this Conservation Easement or in connection with restoration or management activities consistent with the Conservation Values of the Protected Property and Purpose of the Conservation Easement. No subsurface mining, drilling, exploring for or any other method of removal of gas, oil or any other materials or natural resources is permitted.

I. Water Drainages, Impoundments and Sub-surface Waters

The alteration or manipulation of the ponds, water courses, springs, or wells located on the Protected Property, or the creation of new water impoundments, water courses, or wells is prohibited, except in connection with restoration or management activities consistent with the Conservation Values of the Protected Property and Purposes of the Conservation Easement. Any uses or activities that cause or are likely to cause significant soil degradation or erosion or significant depletion or pollution of any surface or subsurface waters are prohibited.

J. Wetlands

Diking, dredging, draining, filling or removal of wetlands is prohibited, except with prior approval of the Trustee Council and as is necessary for wildlife habitat management techniques in connection with restoration or management activities and consistent with the Conservation Values of the Protected Property and Purposes of the Conservation Easement. Landowner shall obtain all necessary permits and approvals from the appropriate federal, state and local agencies prior to implementing any such activity.

K. Streams

Pesticides, insecticides, herbicides or fertilizers shall not be used or deposited within 100 feet of streams, except in connection with management activities consistent with the Conservation Values of the Protected Property and Purposes of the Conservation Easement, such as control of invasive species and management of habitat. Landowner shall use reasonable efforts to maintain vegetative buffer along the streams of the Protected Property sufficient to maintain a stable bank.

L. Signs and Billboards

Signs, billboards, or outdoor advertising of any kind are prohibited, except that the Landowner may erect and maintain signs indicating the name of the Protected Property, hours open to the public, boundary markers, directional signs, signs restricting hunting or trespassing or other prohibited activities on the Protected Property, memorial plaques, interpretational signs about natural and historical features, informational signs regarding use of the property or regulations, or educational signs. The Holder, with the consent of the Landowner as to the location and style, may erect and maintain signs visible to the public designating the Protected Property as land under the protection of a Conservation Easement.

M. Forest and Vegetation

1. Removal, destruction, cutting, or harming native trees living or dead is prohibited except in connection with restoration or management activities consistent with the Conservation Values of the Protected Property and Purposes of this Conservation Easement and except to remove hazardous trees for reasons of safety or to protect or construct existing or authorized roads, buildings, fences, foot trails and paths.
2. Restoration and maintenance of the Protected Property shall be conducted as approved by the Trustee Council, and no plant species shall be introduced to the Protected Property unless those species are native to the region in which the Protected Property is located, or unless specifically approved by the Trustee Council.

N. Agriculture

Agricultural uses, including any form of husbandry, gardening, commercial agro-forestry or production of agricultural products are prohibited, except in connection with restoration or management activities consistent with the Conservation Values of the Protected Property and the Purposes of this Conservation Easement.

O. Use of Chemicals in Land Management

The use of pesticides or biocides, including but not limited to insecticides, fungicides, rodenticides and herbicides, in vegetative management or control of problem insects is prohibited except as may be necessary to protect native species from disease or eliminate invasive, non-native species. Pesticides and biocides may be used only in those amounts and with a frequency of application that constitute the minimum necessary to accomplish the authorized objectives noted herein, and must be used in compliance with all government regulations. There shall be no application of herbicides within 10 feet of any plant listed as threatened or endangered under state or federal law.

P. Wildlife

Introduction of non-native wildlife to the Protected Property is prohibited. Management of the Protected Property shall be in a manner consistent with encouraging the stability of natural habitat and population opportunities for native wildlife species.

Q. Rights of Third Parties to Use the Protected Property

Landowner may not authorize or allow a third party to use the Protected Property in a manner inconsistent with the Purposes of this Conservation Easement. Therefore, no right to use the Protected Property, whether in the form of an invitation, right-of-way, easement, or other right or interest in, on or through the Protected Property, may be conveyed or permitted to be established in, on or through the Protected Property, unless the right or interest is consistent with the Conservation Values of the Protected Property and the Purposes of this Conservation Easement.

R. Transferable, Cluster and Other Development Rights

Except as specifically reserved in this Conservation Easement, Landowner hereby grants to Holder all transferable, cluster or other development rights that are now or hereafter allocated to, implied, reserved or inherent in the Protected Property, and the parties agree that such rights are terminated and extinguished, and may not be used or transferred to any portion of the Protected Property, or to any other property, nor used for the purpose of calculating permissible lot yield of the Protected Property or any other property.

S. Reserved Rights

No use shall be made of the Protected Property, and no activity thereon shall be permitted which, in the reasonable opinion of the Holder, is restricted or may possess the potential to become inconsistent with the Purposes of this Conservation Easement or any other terms of this Conservation Easement.

Article IV. Permitted Uses of the Protected Property

Notwithstanding the foregoing or anything to the contrary in this Conservation Easement, Landowner shall have the right to engage in or permit or invite others to engage in all uses of the Protected Property that are not expressly prohibited herein and are not inconsistent with the Purposes of this Conservation Easement, including, without limitation, to engage in recreational uses of the Protected Property that require no surface alteration or other development of the land.

Article V. Notices and Approvals

Landowner agrees to notify Holder prior to undertaking any activity that may be inconsistent with the Conservation Values of the Protected Property and/or the Purposes of this Conservation Easement, and specifically prior to undertaking any activities requiring the Holder's consent. The purposes of requiring Landowner to notify the Holder prior to undertaking certain permitted activities, as provided herein, is to afford the Holder an adequate opportunity to monitor the activities in question to insure that they are designed and carried out in a manner that is consistent with the Purposes of this Conservation Easement. Whenever notice is required Landowner shall notify the Holder in writing not less than **forty-five (45)** days prior to the date Landowner intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit the Holder to make an informed judgment as to the consistency with the Purposes of this Conservation Easement. It is the Landowners' responsibility to insure that notice was properly delivered. Where the Holder's approval is required, the Holder shall grant or withhold its respective approval in writing within **forty-five (45)** days following receipt of Landowners' written request. Unless otherwise provided, the Holder's approval may be withheld only upon a reasonable determination by the Holder that the action as proposed would be inconsistent with the Purposes of this Conservation Easement.

Article VI. Enforcement and Remedies

A. Right of Inspection and Notice

The Holder may make periodic inspection of all or any portion of the Protected Property, for inspection and enforcement purposes and shall have the right of reasonable access to and over the Protected Property. In the event that the Holder becomes aware of an event or circumstance of non-compliance with the terms and conditions herein set forth, the Holder may give formal notice to Landowner of such event or circumstance of non-compliance via certified mail, return receipt requested, and demand corrective action sufficient to abate such event or circumstance of non-compliance and to restore the Protected Property to its previous condition in accordance with a plan approved by the Holder.

B. Remedies

If Landowner fails to cure the violation within thirty days after receipt of notice thereof from the Holder, or under circumstances where the violation cannot reasonably be cured within a thirty day period, fails to begin curing such violation within the thirty day period, or fails to continue diligently to cure such violation until finally cured, the Holder may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Conservation Easement, to enjoin the violation, *ex parte* as necessary, by temporary or permanent injunction, and to require the restoration of the Protected Property to the condition that existed prior to any such injury.

Failure by Landowner to cause discontinuance, abatement, or such other corrective action as may be demanded by the Holder, in accordance with Article VI, paragraph A., within a reasonable time after receipt of notice and reasonable opportunity to take corrective action shall entitle the Holder to bring an action in a court of competent jurisdiction to enforce the terms of this Conservation Easement and to recover any damages (including, but not limited to, damages for the loss of scenic, aesthetic, or environmental values) arising from such non-compliance. Such damages, when recovered may, if necessary, be applied by the Holder to corrective action on the Protected Property to restore it to its former condition before the violation. If such Court determines that Landowner has failed to comply with this Conservation Easement, Landowner shall reimburse the Holder for its court costs and reasonable attorneys' fees incurred in the enforcement action, in addition to any other payments ordered by such Court. The remedies described herein are in addition to, and not in limitation of, any other remedies available to the Holder at law, in equity, or through administrative proceedings.

In addition to the remedies described above, if the Holder, in its sole discretion, determines that events and circumstances of non-compliance require immediate action to prevent or mitigate immediate and irreparable injury, loss, or damage to the Protected Property or Conservation Values, the Holder may pursue, without prior notice to the Landholder, equitable relief, including but not limited to enjoining the violation, *ex parte* if necessary, as the Court deems just, and to require the restoration of the Protected Property to the condition that existed prior to any such injury, if appropriate.

C. Violations by a Third Party

In the event the terms of this Conservation Easement are violated by acts of third parties, including trespassers that the Landowner could not reasonably have anticipated or prevented, the Landowner agrees to join in any suit against the third party or parties. If Landowner fails to take action against such third party or parties within a reasonable period of time, Landowner shall assign to the Holder its right of action against the third party or parties for the purposes of pursuing enforcement action against the third party or parties.

D. Effect of Failure to Enforce

No delay or omission by the Holder in the exercise of any right or remedy upon any breach by Landowner shall impair the Holder's rights or remedies or be construed as a waiver. Nothing in this enforcement section shall be construed as imposing a liability upon a prior owner of the Protected Property, where the event or circumstance of non-compliance shall have occurred after said prior owner's ownership or control of the Protected Property has terminated. Landowner hereby waives any defense of laches, estoppel or prescription.

Article VII. Exhibits

The following exhibits are hereby made a part of this Conservation Easement:

A. Exhibit A: Legal Description of Protected Property from Boonville Avenue to Campbell Avenue

Attached hereto and made part hereof.

B. Exhibit B: Legal Description of Protected Property from Campbell Avenue to Main Avenue

Attached hereto and made part hereof.

C. Exhibit C: Illustration of Protected Property from Boonville Avenue to Campbell Avenue

Attached hereto and made part hereof.

D. Exhibit D: Illustration of Protected Property from Campbell Avenue to Main Avenue

Attached hereto and made part hereof.

E. Exhibit E: Summary of Conservation Values

Attached hereto and made part hereof.

F. Exhibit F: Map of Existing Easements and Utilities

Attached hereto and made part hereof.

Article VIII. Miscellaneous Provisions

A. Public Access

The public purpose and benefit declared and effectuated by this Conservation Easement shall not be construed to afford to the public any right, title or interest affording easement or access to the Protected Property and it remains for all purposes the property of the Landowner, subject to the terms and conditions of this Conservation Easement.

B. Written Approvals

Where Landowner is required by this Conservation Easement to obtain the prior written approval of the Holder before commencing an activity or act, and where the Holder has designated in writing another organization or entity which shall have the authority to grant such approval, the approval of said Designee shall be deemed to be the approval of the Holder. When the Holder or its Designee has authorized a proposed action requiring approval under this Conservation Easement, the Holder or its Designee shall, on request, provide Landowner with a written certification in recordable form memorializing said approval.

C. Effect of Laws and Other Restrictions on the Protected Property

It is hereby agreed that any improvements or use of the land otherwise permitted under this Conservation Easement shall be in accordance with all applicable ordinances, statutes and regulations.

D. Protected Property Ownership and Maintenance Responsibilities

Landowner retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Protected Property, including the maintenance of adequate comprehensive general liability insurance coverage. The Holder shall not provide any liability insurance for the Protected Property. Landowner shall keep the Protected Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Landowner.

E. Notification by Landowner of a Grant, Conveyance or Other Transfer

Landowner agrees to incorporate the terms of this Conservation Easement by reference in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Protected Property, including, without limitation, a leasehold interest and shall indicate that said rights and restrictions are binding upon all successors in interest in the Protected Property in perpetuity. Landowner shall also notify Holder of the name(s) and address(es) of Landowner's successor(s) in interest; provided, however, that failure to make such reference in the deed or to give such notice shall not impair the effectiveness thereof nor the effectiveness of this Conservation Easement as to the successor(s) in interest or their assigns.

F. Easement Recordation

The Landowner shall record this Conservation Easement in a timely fashion in the Recorder of Deeds office in the County where the land is located, as may be necessary to satisfy the requirements of the laws of the State of Missouri.

G. Successors

The covenants, terms, conditions, and restrictions of this Conservation Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Protected Property. The terms "Landowner," "Holder"

or “Department,” wherever used herein, and any pronouns used in place thereof, shall include, respectively, the above-named Landowner and its personal representatives, heirs, successors, and assigns, and the above-named Holder and its personal representatives, heirs, successors, and assigns.

H. Easement Transfer

This Conservation Easement is transferable. As a condition of such transfer, the Holder shall require that the conservation purpose that this Conservation Easement is intended to advance continue to be carried out. A party’s rights and obligations under this Conservation Easement terminate upon transfer of the party’s interest in the Conservation Easement or Protected Property, except that liability, as allowed by law, for acts or omissions occurring prior to transfer shall survive transfer.

I. Easement Governed by Missouri Law

The interpretation and performance of this Conservation Easement shall be governed by the laws of the State of Missouri.

J. Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Easement shall be liberally construed in favor of the grant to effect the purpose of this Conservation Easement and purpose of Section 442.014 RSMo. If any provision in this Conservation Easement is found to be ambiguous, an interpretation consistent with the Purposes of this Conservation Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

K. Entire Agreement and Severability of the Terms

This Conservation Easement sets forth the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Easement, all of which are merged herein. If any term is found to be invalid, the remainder of the terms of this Conservation Easement, and the application of such term to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

L. Mortgages and Deeds of Trust

Landowner hereby certifies that no mortgage or deeds of trust currently encumber the Protected Property.

M. Real Property Taxes

Landowner shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Protected Property, by competent authority, including any taxes imposed upon, or incurred as a result of the Conservation Easement, and shall furnish the Holder with satisfactory evidence of payment upon request.

N. Captions

The captions in this Conservation Easement have been inserted solely for convenience of reference and are not a part of this instrument. Accordingly, the captions shall have no effect upon the construction or interpretation of the terms of this Conservation Easement.

O. Amendment

If circumstances arise under which an amendment to or modification of this Conservation Easement would be appropriate, Landowner and Holder are free to jointly amend this Conservation Easement, and any amendment shall be consistent with the Purposes of this Conservation Easement and shall not affect its perpetual duration. Any such amendment shall be recorded in the official records of the County in which the Protected Property is located.

P. Merger

Unless the parties expressly state that they intend a merger of estates or interests to occur, no merger shall be deemed to have occurred hereunder or under any document executed in the future affecting this Conservation Easement.

Q. Contact Information

Any document or other item required by this Conservation Easement to be given to another party hereto shall be sent to:

If to Landowner:

City Administrator
City of Springfield
840 Boonville Ave.
Springfield, Missouri 65802

If to Holder:

Missouri Department of Natural Resources
Division of Environmental Quality
P.O. Box 176
Jefferson City, MO 65102-0176

Article IX. Extinguishment and Condemnation

A. Easement Termination

This Conservation Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction.

B. Easement Value

This Conservation Easement constitutes a real property interest immediately vested in the Holder, which, for the purposes of this Section, the parties stipulate to have a fair market value determined by multiplying the fair market value of the Protected Property unencumbered by the Conservation Easement (minus any increase in value after the date of this grant attributable to improvements) by the ratio of the value of the Conservation Easement at the time of this grant to the value of the Protected Property, without deduction for the value of the Conservation Easement, at the time of this grant. The values at the time of this grant shall be those values used to calculate the deduction for Federal Income Tax purposes allowable by reason of this grant, pursuant to Section 170(h) of the Internal Revenue Code. For the purposes of this paragraph, the ratio of the value of the Conservation Easement to the value of the Protected Property unencumbered by the Conservation Easement shall remain constant. If no value was established at the time the Conservation Easement was conveyed by the Landowner for Federal Income Tax deductions and purposes, then the value will be calculated in the same method, pursuant to this Section, by appraisal at the time of

extinguishment of this Conservation Easement.

C. Eminent Domain

If all or any part of the Protected Property is taken by exercise of the power of eminent domain or acquired by purchase in lieu of condemnation, whether by public, corporate, or other authority, so as to terminate this Conservation Easement, in whole or in part, Landowner and Holder may act jointly to recover the full value of the interests in the Protected Property subject to the taking or the purchase in lieu of and all direct or incidental damages resulting therefrom. All expenses reasonably incurred by Landowner and Holder in connection with the taking or the purchase in lieu of shall be paid out of the amount recovered.

Article X. Representation and Warranties regarding Hazardous Materials

A. Hazardous Materials on the Property

Landowner represents and warrants that to the best of their knowledge, without inquiry or investigation:

1. No substance defined, listed, or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, exists or has been released, generated, treated, stored, used, disposed of, deposited, abandoned, or transported by Landowner in, on, from, or across the Protected Property in violation of applicable laws, ordinances or regulations (although it is acknowledged there is some debris that is located on the Protected Property); and
2. There are not now any underground storage tanks located on the Protected Property, whether presently in service or closed, abandoned, or decommissioned, and no underground storage tanks have been removed from the Protected Property in a manner not in compliance with applicable federal, state, and local laws, regulations, and requirements.

B. Remediation

If, at any time, there occurs, or has occurred, a release in, on, or about the Protected Property of any substance now or hereafter defined, listed, or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, in violation of applicable laws, ordinances or regulations, Landowner agrees to take all steps necessary to assure its containment and remediation which is required by law.

C. Control

Nothing in this Conservation Easement shall be construed as giving rise to any right or ability in the Holder to exercise physical or managerial control over the day-to-day operations of the Protected Property, or any of Landowner's activities on the Protected Property, or otherwise to become an operator with respect to the Protected Property within the meaning of CERCLA.

D. Hold Harmless

Landowner hereby releases and agrees to hold harmless, indemnify, and defend the Holder and its respective employees, agents, and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against any and all liabilities, penalties, fines, charges, costs, losses,

damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including, without limitation, reasonable attorneys' fees, arising from: (1) the violation or alleged violation of, or other failure to comply with, any state, federal, or local environmental law, regulation, or requirement, including, without limitation, CERCLA, by Landowner relating to the Protected Property, or (2) the presence or release on the Protected Property of any substance defined, listed or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil in violation of applicable laws, ordinances or regulations, unless caused solely by any of the Indemnified Parties. Nothing in this Easement waives the Holder's claims of sovereign immunity or similar defenses available to the Holder, or its respective employees, agents, and contractors and the heirs, personal representatives, successors, and assigns.

Article XI. Miscellaneous Representations and Warranties and Indemnities

A. Landowner Representation and Warranty

Landowner represents and warrants to Holder:

1. that there is no pending or, to Landowner's knowledge, threatened litigation in any way affecting, involving, or relating to the Protected Property; and
2. no civil or criminal proceedings or investigations have been instigated at any time or are now pending, and no notices, claims, demands, or orders have been received, arising out of any violation or alleged violation of, or failure to comply with, any federal, state, or local law, regulation, or requirement applicable to the Protected Property or its use, nor do there exist any facts or circumstances that Landowner might reasonably expect to form the basis for any such proceedings, investigations, notices, claims, demands, or orders; and
3. Landowner and the Protected Property are in compliance with all federal, state, and local laws, regulations, and requirements applicable to the Protected Property and its use; and
4. that Landowner has the power and authority to enter into this Conservation Easement, to grant the rights and interests herein provided and to carry out all of the Landowner's obligations hereunder; and
5. that this Conservation Easement will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which the Landowner is a party or by which the Landowner may be bound or affected; and
6. that Landowner is the sole owner of the Protected Property and holds fee simple title, which is free, clear and unencumbered

B. Indemnity

Landowner hereby releases and agrees to hold harmless, indemnify, and defend the Holder and its employees, agents, and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against any and all liabilities, penalties, fines, charges, costs, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including, without limitation, reasonable attorneys' fees, arising from: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Protected Property due to Landowner or Landowner's employees, regardless of cause, unless due to the negligence

of any of the Indemnified Parties; or (2) the breach by Landowner of any of its obligations, covenants, representations, and warranties contained in this Conservation Easement. Nothing in this Easement waives the Holder's claims of sovereign immunity or similar defenses available to the Holder, or its respective employees, agents, and contractors and the heirs, personal representatives, successors, and assigns.

IN WITNESS WHEREOF the Landowner and Holder have each executed this document as of the date and year attested to below.

FOR LANDOWNER(S):

Name (print): _____ Date: _____

Address: _____

STATE OF MISSOURI)
)
CITY/COUNTY OF _____) SS.

On this ____ day of _____, 2023 before me personally appeared
_____ to me known to be the persons described in and who executed the foregoing
Conservation Easement, and acknowledged that he/she executed the same as his/her free act and deed.

Notary Public

My Commission Expires: _____

Dru Buntin, Director
Missouri Department of Natural Resources
PO Box 176
Jefferson City, MO 65102-0176

STATE OF MISSOURI)
)
) SS.
CITY/COUNTY OF _____)

My Commission Expires: _____

EXHIBIT A

A variable width conservation easement being a part of the Northeast Quarter (NE1/4) of Section 23, Township 29 North, Range 22 West, and a part of the parcels of land described in Book 2021, at Page 038897-21, Book 2005, at Page 56989-05, and that part of the public right-of-way of Water Street, as shown on a survey by PLS 1994 dated January 25, 1989, between Main Street and Campbell Avenue, in the City of Springfield, Greene County, Missouri, more particularly described as follows:

COMMENCING at an existing Section Corner monument (Cor. Doc. #600-33498) being at the Northeast Corner of Section 23; thence S01°49'05"W along the East line of said Section, a distance of 95.54 feet; thence N88°10'55"W leaving said East line, a distance of 46.54 feet to a point on the West right-of-way line of Campbell Avenue, as it now exists for a POINT OF BEGINNING; thence S01°55'08"W along said West right-of-way line, a distance of 90.93 feet; thence S84°08'32"W leaving said West right-of-way line, a distance of 229.95 feet; thence S16°48'20"W, a distance of 32.36 feet; thence S77°39'38"W, a distance of 156.73 feet; thence S83°59'37"W, a distance of 106.88 feet; thence N02°44'21"W, a distance of 53.59 feet; thence N21°30'30"W, a distance of 52.04 feet to the Northeast corner of a parcel described in Book 2939, Page 950; thence N00°00'00"E, a distance of 16.44 feet; thence N83°59'37"E, a distance of 109.38 feet; thence N77°39'38"E, a distance of 281.30 feet; thence N89°58'28"E, a distance of 138.61 feet to the POINT OF BEGINNING, containing 56,354 square feet, more or less, subject to right-of-way, easements and restrictions of record.

Prepared by: Olsson, Inc.
Survey MO Certificate of Authority #LC366
550 St. Louis Street, Springfield MO 65806
Tel 417.890.8802
Prepared for: City of Springfield
Project No.: 020-2978

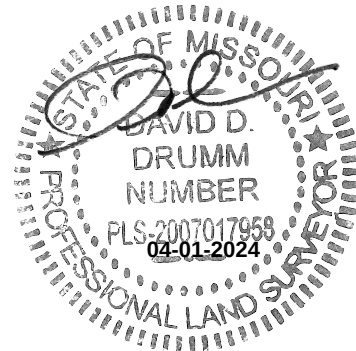
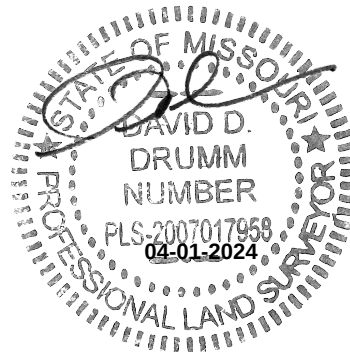


EXHIBIT B

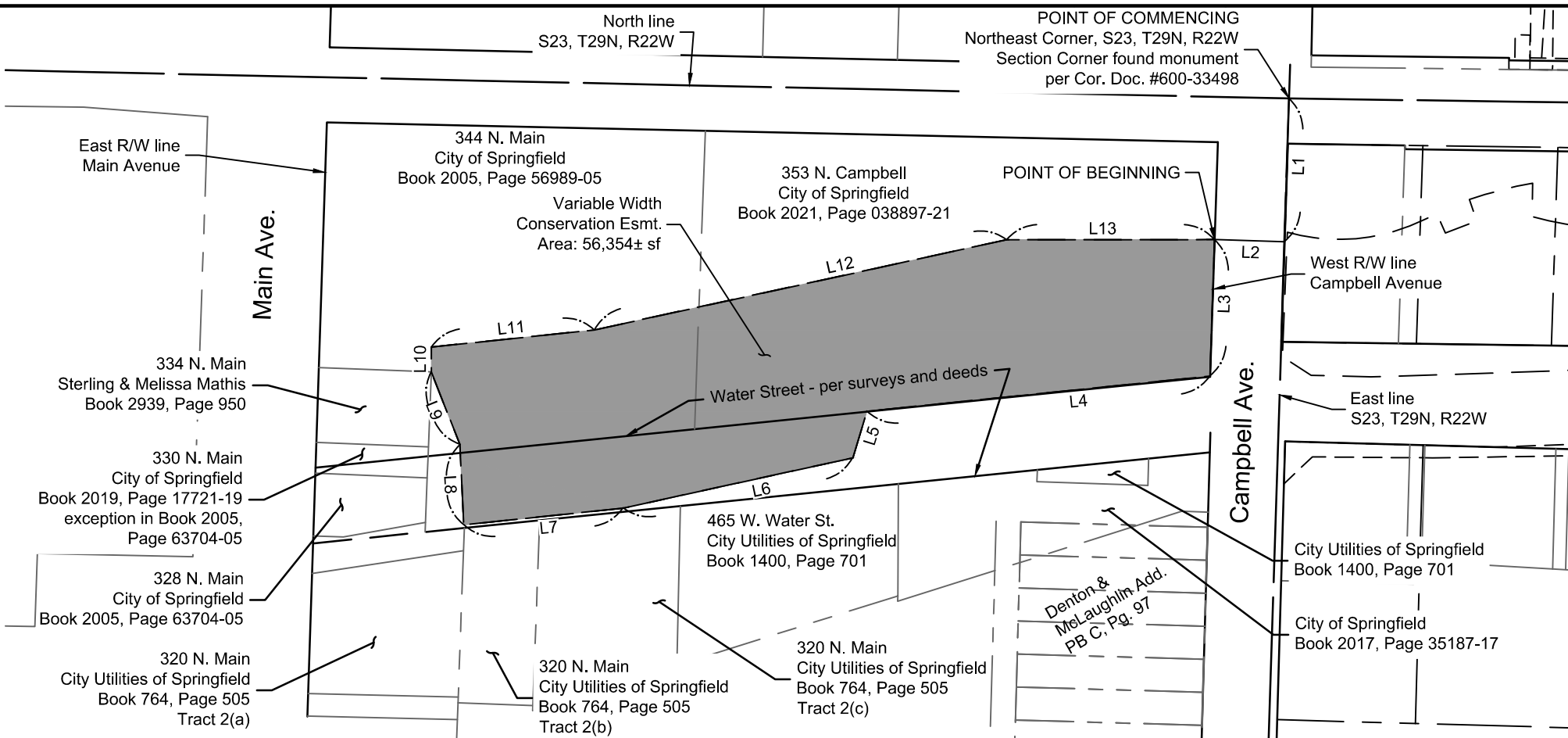
A variable width conservation easement being a part of Lots 1, 2, 3, 4, 5, 6 and 7, Charles L. Starks Addition, recorded in Plat Book A at Page 15 and that part of the public right-of-way of Water Street. as it now exists, in the City of Springfield, Greene County, Missouri, more particularly described as follows:

COMMENCING at the Southwest Corner of said Lot 6; thence S89°12'29"E along the South line of said Lot 6, a distance of 1.17 feet for a POINT OF BEGINNING; thence N02°17'01"E, a distance of 73.06 feet; thence along a non-tangent curve to the left having a radius of 128.00 feet, an arc length of 92.29 feet, a central angle of 41°18'42" and a chord distance of 90.30 feet which bears N85°00'27"E; thence along a compound curve to the left having a radius of 290.00 feet, an arc length of 10.69 feet, a central angle of 02°06'44" and a chord distance of 10.69 feet which bears N65°24'28"E; thence S23°32'09"E, a distance of 14.00 feet; thence N68°47'25"E, a distance of 22.41 feet; thence N18°53'00"W, a distance of 15.00 feet; thence along a non-tangent curve to the right having a radius of 291.00 feet, an arc length of 43.54 feet, a central angle of 08°34'25" and a chord distance of 43.50 feet which bears N75°24'13"E; thence S00°47'08"W, a distance of 22.25 feet; thence along a non-tangent curve to the left having a radius of 218.00 feet, an arc length of 113.27 feet, a central angle of 29°46'12" and a chord distance of 112.00 feet which bears S89°12'52"E; thence N00°47'08"E, a distance of 22.25 feet; thence along a non-tangent curve to the right having a radius of 291.00 feet, an arc length of 41.80 feet, a central angle of 08°13'48" and a chord distance of 41.76 feet which bears S74°00'16"E; thence S20°06'38"W, a distance of 15.00 feet; thence S67°15'54"E, a distance of 25.27 feet; thence N25°21'34"E, a distance of 14.00 feet; thence along a non-tangent curve to the left having a radius of 100.00 feet, an arc length of 91.41 feet, a central angle of 52°22'35" and a chord distance of 88.26 feet which bears N89°10'16"E; thence N62°58'59"E, a distance of 35.39 feet; thence S27°01'01"E, a distance of 39.35 feet; thence S62°58'59"W, a distance of 33.46 feet; thence S19°19'36"E, a distance of 12.00 feet; thence S00°44'32"E, a distance of 11.25 feet; thence S18°08'51"W, a distance of 21.00 feet; thence S05°10'17"W, a distance of 9.29 feet; thence S01°40'19"E, a distance of 6.78 feet; thence S88°19'41"W, a distance of 26.56 feet; thence S87°43'44"W, a distance of 22.53 feet; thence S87°58'17"W, a distance of 259.73 feet; thence S88°13'32"W, a distance of 80.19 feet; thence N88°30'06"W, a distance of 39.86 feet; thence N57°42'59"W, a distance of 18.06 feet; thence N87°42'59"W, a distance of 4.00 feet; thence N02°17'01"E, a distance of 12.49 feet to the POINT OF BEGINNING, containing 45,070 square feet, more or less, subject to right-of-way, easements and restrictions of record.

Prepared by: Olsson, Inc.
Survey MO Certificate of Authority #LC366
550 St. Louis Street, Springfield MO 65806
Tel 417.890.8802
Prepared for: City of Springfield
Project No.: 020-2978



DWG: F:\2020\2501-3000\020-2978\40-Design\Survey\SRV\Sheets\V_ESM_0202978_Conservation Main to Campbell.dwg
DATE: Apr 01, 2024 9:02am XREFS: V_ESMT 0202978 V_XBNDY 0202978
USER: mnutter



LINE TABLE		
#	Direction	Length
L1	S01°49'05"W	95.54'
L2	N88°10'55"W	46.54'
L3	S01°55'08"W	90.93'
L4	S84°08'32"W	229.95'
L5	S16°48'20"W	32.36'
L6	S77°39'38"W	156.73'
L7	S83°59'37"W	106.88'

LINE TABLE		
#	Direction	Length
L8	N02°44'21"W	53.59'
L9	N21°30'30"W	52.04'
L10	N00°00'00"E	16.44'
L11	N83°59'37"E	109.38'
L12	N77°39'38"E	281.30'
L13	N89°58'28"E	138.61'



This sketch is not a boundary survey. It is intended to show the configuration of a proposed conservation easement. It should not be used to locate property lines and does not meet the Standards for Property Boundary Surveys.

Project no:	020-2978
Drawn by:	MRN
Date:	12/14/23 REV. 01/05/24, 04/01/24

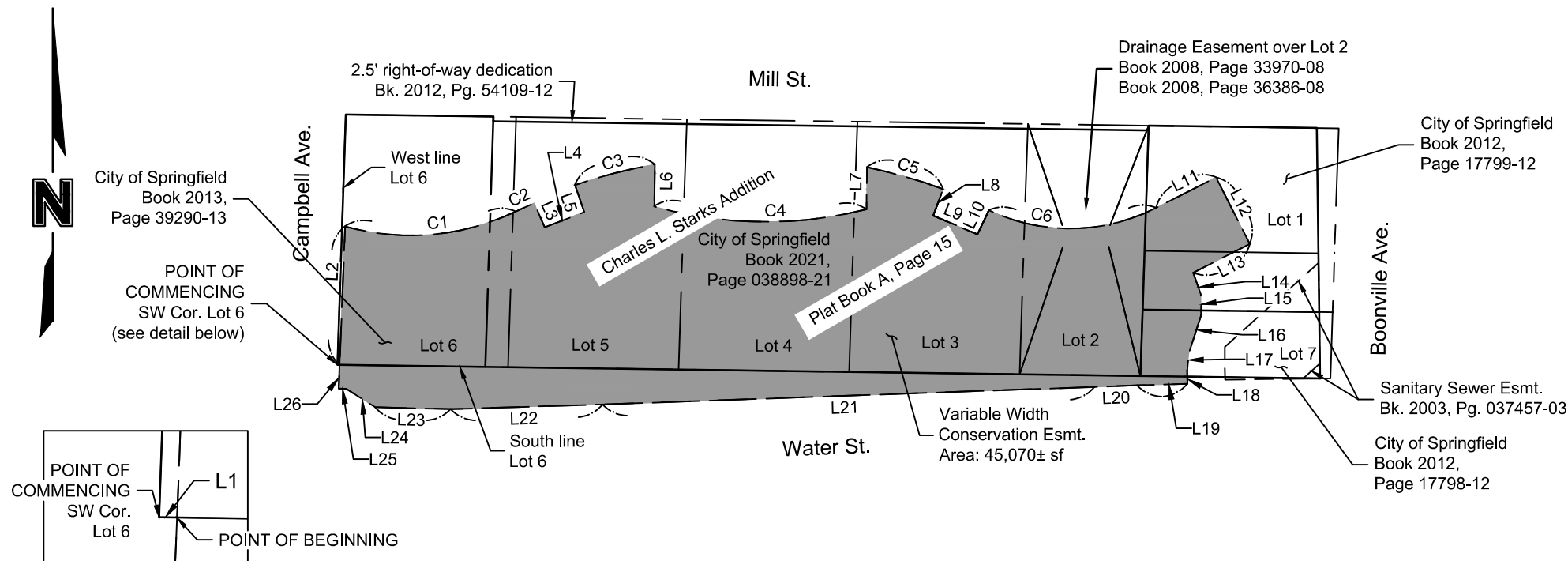
CONSERVATION EASEMENT CITY OF SPRINGFIELD

olsson

Olsson Associates, Inc. Survey MO
Certificate of Authority #LC366
550 St. Louis Street
Springfield, MO 65806
TEL 417.890.8802 FAX 417.890.8805

EXHIBIT
C

USER: mnutter
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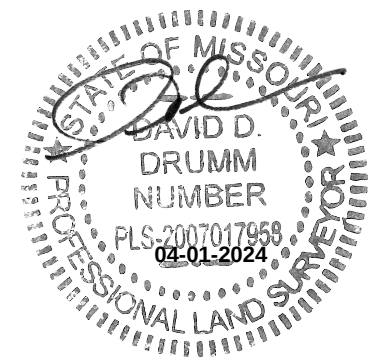


LINE TABLE		
#	Direction	Length
L1	S89°12'29"E	1.17'
L2	N02°17'01"E	73.06'
L3	S23°32'09"E	14.00'
L4	N68°47'25"E	22.41'
L5	N18°53'00"W	15.00'
L6	S00°47'08"W	22.25'
L7	N00°47'08"E	22.25'
L8	S20°06'38"W	15.00'
L9	S67°15'54"E	25.27'

LINE TABLE		
#	Direction	Length
L10	N25°21'34"E	14.00'
L11	N62°58'59"E	35.39'
L12	S27°01'01"E	39.35'
L13	S62°58'59"W	33.46'
L14	S19°19'36"E	12.00'
L15	S00°44'32"E	11.25'
L16	S18°08'51"W	21.00'
L17	S05°10'17"W	9.29'
L18	S01°40'19"E	6.78'

LINE TABLE		
#	Direction	Length
L19	S88°19'41"W	26.56'
L20	S87°43'44"W	22.53'
L21	S87°58'17"W	259.73'
L22	S88°13'32"W	80.19'
L23	N88°30'06"W	39.86'
L24	N57°42'59"W	18.06'
L25	N87°42'59"W	4.00'
L26	N02°17'01"E	12.49'

CURVE TABLE					
#	Radius	Length	Delta	Chord	Chord Bearing
C1	128.00'	92.29'	41°18'42"	90.30'	N85°00'27"E
C2	290.00'	10.69'	2°06'44"	10.69'	N65°24'28"E
C3	291.00'	43.54'	8°34'25"	43.50'	N75°24'13"E
C4	218.00'	113.27'	29°46'12"	112.00'	S89°12'52"E
C5	291.00'	41.80'	8°13'48"	41.76'	S74°00'16"E
C6	100.00'	91.41'	52°22'35"	88.26'	N89°10'16"E



This sketch is not a boundary survey. It is intended to show the configuration of a proposed conservation easement. It should not be used to locate property lines and does not meet the Standards for Property Boundary Surveys.

Project no:	020-2978
Drawn by:	MRN
Date:	12/14/23 REV 04/01/24

CONSERVATION EASEMENT CITY OF SPRINGFIELD

Olsson Associates, Inc. Survey MO
Certificate of Authority #LC366
550 St. Louis Street
Springfield, MO 65806
TEL 417.890.8802 FAX 417.890.8805

EXHIBIT
D

EXHIBIT E

SUMMARY OF CONSERVATION VALUES

The “baseline” summary of conservation values will be developed after project completion, i.e., after stream daylighting, natural channel restoration, and riparian habitat establishment. The conservation values we seek to protect are currently under construction.

EXHIBIT F – MAP OF EXISTING EASEMENT AND UTILITIES



EXPLANATION TO COUNCIL BILL 2024-078 (HARDINGER)

FILED: 04/05/2024

ORIGINATING DEPARTMENT: Health

TITLE: A special ordinance amending the Fiscal Year 2023-2024 budget of the Springfield-Greene County Health Department in the amount of \$90,800 to re-establish a jail diversion program in partnership with the Springfield Municipal Court.

PURPOSE: Authorizing the City Manager, or designee, to amend the Fiscal Year 2023-2024 budget of the Springfield-Greene County Health Department in the amount of \$90,800 to appropriate funds for re-establishing a jail diversion program in partnership with the Springfield Municipal Court.

BACKGROUND INFORMATION: The Springfield-Greene County Health Department ("SGCHD") and the Springfield Municipal Court have partnered to implement a jail diversion program to serve low-risk offenders who have substance abuse or mental health concerns. Building on evidence-based models, jail diversion programs create a pathway to intervene and prevent unnecessary jail sentencing. With the support of community health advocates and probation officers, who design an alternative accountability system supported by compliance and adherence to a plan tailored to the offender's needs, the jail diversion program creates security and stability for the participant. The security and stability developed by jail diversion programs have been proven effective in other communities in reducing recidivism, improving public safety, and paving a path to well-being for participants.

To fund and re-establish the jail diversion program, SGCHD and the Springfield Municipal Court request a \$90,800 budget adjustment. This budget adjustment accepts the increase in funds and budgets in the amount of \$90,800 in expenditures in the SGCHD Fiscal Year 2023-2024.

Submitted By: Brad Stulce, Public Health Resource Manager

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Collin Quigley, Deputy City Manager 4/16/2024

Attachments:

1. Jail Diversion Program_ord
2. Jail Diversion Program BA

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 04-16-24

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-078

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Fiscal Year 2023-2024 budget of the Springfield-Greene County
2 Health Department in the amount of \$90,800 to re-establish a jail
3 diversion program in partnership with the Springfield Municipal Court.
4 _____
5

6 WHEREAS, the Springfield-Greene County Health Department (“SGCHD”) and
7 the Springfield Municipal Court have partnered to implement a jail diversion program to
8 serve low-risk offenders who have substance abuse or mental health concerns; and
9

10 WHEREAS, building on evidence-based models, jail diversion programs create a
11 pathway to intervene and prevent unnecessary jail sentencing. With the support of
12 community health advocates and probation officers who design an alternative
13 accountability system supported by compliance and adherence to a plan tailored to the
14 offender’s needs, the jail diversion program creates security and stability for the
15 participant. The security and stability developed by jail diversion programs have been
16 proven effective in other communities in reducing recidivism, improving public safety,
17 and paving a path to well-being for participants; and
18

19 WHEREAS, SGCHD and the Springfield Municipal Court have requested a
20 \$90,800 budget adjustment to fund and re-establish the jail diversion program, and City
21 Council desires to fund the same.
22

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

26 Section 1 – The Fiscal Year 2023-2024 budget of the Springfield-Greene County
27 Health Department is hereby amended in the accounts and in the amounts as shown on
28 Budget Adjustment No. 062, a copy of which is attached hereto and incorporated herein
29 by reference as “Exhibit A.”
30

31 Section 2 – City Council finds that the budget adjustment made above has been
32 recommended by the City Manager.
33

34 Section 3 – The City Manager, or designee, is directed to cause the appropriate
35 accounting entries to be made in the books and records of the City. In the event
36 additional funding is provided under this grant by the grantor, the Director of Finance is
37 hereby authorized to adjust this appropriation by an amount not to exceed 20 percent.
38

39 Section 4 – This Ordinance shall be in full force and effect from and after
40 passage.
41

42
43 Passed at meeting: _____
44

45
46 _____
47 Mayor

48 Attest: _____, City Clerk
49

50 Filed as Ordinance: _____
51

52
53 Approved as to form: Mary B. Boyan, Assistant City Attorney
54

55
56 Approved for Council action: Jason A. Hage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
062

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22560	09	14120	401510	000000	00000	\$ 90,800	Marijuana Sales Tax Revenue
Net Revenue Adjustment						\$ 90,800	

Expenditures:

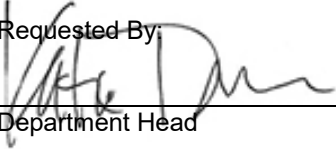
Fund	Dept	Org	Account	P&G	Location	Amount	Description
22560	11	50080	500110	000000	00000	\$ 43,750	Health Staff - Jail Diversion Program
22560	11	50080	504580	000000	00000	43,750	Health Supplies/Services - Jail Diversion Program
22560	15	19030	504580	000000	00000	3,300	Municipal Court Supplies/Services- Jail Diversion Program
Net Expenditure Adjustment						\$ 90,800	

Fund Balance Appropriation:

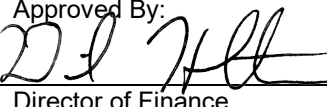
Fund	Title	Amount

Explanation: To amend the FY2023-24 budget by appropriating marijuana sales tax revenue for the jail diversion program provided through the Health Department and Municipal Court through June 30th.

Requested By:


Department Head April 16, 2024
Date

Approved By:


Director of Finance April 16, 2024
Date

City Manager Date

Authorization:

Council Bill No. 2024-078
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2024-066 (HARDINGER)

FILED: 04/15/2024

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance authorizing the City Manager, or designee, to enter into a Cooperative Agreement with the Board of Governors of Missouri State University for the purpose of curating any artifacts or records generated by the archaeological investigation conducted in support of the Renew Jordan Creek project.

PURPOSE: Authorizing the City Manager, or designee, to enter into a Cooperative Intergovernmental Agreement with the Board of Governors of Missouri State University for the curation of artifacts and records generated by the archaeological investigations conducted in support of the Renew Jordan Creek ("Project").

BACKGROUND INFORMATION: As part of United States Corps of Engineers ("USACE") Section 404 permit process, the USACE as the Project's Federal Partner, is required to comply with Section 106 of the National Historic Preservation Act. The City of Springfield, in coordination with the USACE and various consulting parties including Missouri State Historic Preservation Office ("SHPO") and numerous Native American Tribal representatives, is required to plan for ways to mitigate and address impacts to known and suspected historical sites within the Project area.

As part of the Section 106 requirements, and in consultation USACE, it was determined that a Programmatic Agreement ("PA") and a Memorandum of Agreement ("MOA") would be required to define the associated archeological investigation and impact mitigation for the Project. The pre-construction trenching scope of work is supporting work for the PA and Section 106 compliance. The intention of the pre-construction investigation trenching is to identify areas and concentrations of potential artifacts that will help inform the magnitude of construction monitoring by contracted archaeologists required during construction excavation activities.

There is potential for both the pre-construction investigation trenching and construction monitoring to generate archaeological artifacts associated with the two historical sites in the Project area (23GR2023, Springfield Wagon Shops & 23GR2024, Springfield Manufacturing Company). The Cooperative Intergovernmental Agreement ("Exhibit A") would serve as a curation agreement that allows archaeological artifacts generated as part of the Project to be curated by the Bernice S. Warren Center for Archaeological Research ("CAR") at Missouri State University. Curation of the archaeological artifacts is necessary for compliance with Section 106 requirements. A curation fee of \$1,458.14 will be paid to CAR for curation of artifacts recovered as part of the pre-construction trenching work. A curation fee for the construction monitoring has not been determined and will be informed by the results from the pre-construction trenching.



REMARKS: Public Works recommends approval of this Council bill.

Submitted By: Martin Gugel, Assistant Director of Public Works

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

Attachments:

1. MSU Agreement-RJC Artifacts Curation_ord
2. MSU Curation Agreement_ExhA

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 04-02-24

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2024-066

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to enter into a Cooperative Agreement
2 with the Board of Governors of Missouri State University for the
3 purpose of curating any artifacts or records generated by the
4 archaeological investigation conducted in support of the Renew Jordan
5 Creek project.
6 _____
7

8 WHEREAS, as part of United States Corps of Engineers ("USACE") Section 404
9 permit process, the City is required to comply with Section 106 of the National Historic
10 Preservation Act and develop plans to mitigate and address impacts to known and
11 suspected historical sites within the area of the Renew Jordan Creek project ("Project");
12 and
13

14 WHEREAS, pre-construction investigation trenching and construction monitoring
15 may potentially generate archaeological artifacts associated with two historic sites within
16 the Project area, and curation of any artifacts is necessary to comply with Section 106;
17 and
18

19 WHEREAS, the Bernice S. Warren Center for Archaeological Research ("CAR")
20 at Missouri State University is agreeable to curating any archaeological artifacts
21 discovered in exchange for a fee; and
22

23 WHEREAS, the fee for curation is \$1,458.14 for curation of any artifacts
24 discovered during pre-construction trenching work, and is yet to be determined for
25 curation of any artifacts discovered during construction monitoring.
26

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

30 Section 1 – City Council hereby authorizes the City Manager, or designee, to
31 enter into a Cooperative Agreement with the Board of Governors of Missouri State
32 University for the purpose of curating any artifacts or records generated by the
33 archaeological investigations conducted in support of the Renew Jordan Creek project

34 in an amount not to exceed \$16,458.14, said agreement to be in substantially similar
35 form to the document attached hereto and incorporated by reference as Exhibit A.
36

37 Section 2 – This Ordinance shall be in full force and effect from and after
38 passage.
39

40 Passed at meeting: _____
41

42 _____
43 Mayor
44

45 Attest: _____, City Clerk
46

47 Filed as Ordinance _____
48

49 Approved as to form:  _____, Assistant City Attorney
50
51

52 Approved for Council action:  _____, City Manager
53

EXHIBIT A

COOPERATIVE AGREEMENT

Cooperative Agreement between the **Board of Governors of Missouri State University** and the **City of Springfield, Missouri** for curation of artifacts and records generated by archaeological investigations conducted in support of the Renew Jordan Creek project.

It is mutually agreed as follows:

A. The Bernice S. Warren Center for Archaeological Research (CAR), Missouri State University shall:

1. Serve as a repository for collections of archaeological materials and associated documents resulting from archaeological investigations (e.g., trenching, monitoring, data recovery) conducted on behalf of the City of Springfield in support of the Renew Jordan Creek project.
2. Accession archaeological collections and documentation of their recovery and maintain them in a designated secure area at CAR.
3. Maintain the right to accept or reject any collection due to its size, nature, or lack of adequate documentation.
4. Allow access to collections deposited on behalf of the City of Springfield for study and exhibition per CAR policy.
5. Provide space for viewing the collection pending adequate advance notification.

B. The City of Springfield, Missouri shall:

1. Pay to CAR \$1,458.14 for curation of artifacts recovered during pre-construction trenching work, and an additional curation fee not to exceed \$15,000 for curation of artifacts recovered during construction.

[Signature Page Follows]

City of Springfield

Approved By:

City Manager or Deputy City Manager

Date: _____

Approved as to Form:

City Attorney or Assistant City Attorney

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 unencumbered balance of appropriated and available funds to pay therefor.

Director of Finance or Acting Director

Date: _____

Missouri State University

By:

Brad Bodenhausen
VP, Global and Community Partnerships

Date: _____