



Agenda City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Robert Stephens, Mayor

Zone Councilmembers

Phyllis Ferguson, Zone 1
Justin Bumett, Zone 2
Mike Schilling, Zone 3
Craig Fishel, Zone 4

General Councilmembers

Jan Fisk, General A
Craig Hosmer, General B
Kristi S. Fulnecky, General C
Ken McClure, General D

Upcoming Council Meeting Agenda February 8, 2016 - 6:30 p.m.

Speakers must sign up with the City Clerk to speak to an issue on the agenda. Speakers are to limit their remarks to three to five minutes.

Note: Sponsorship does not denote Council member approval or support.

1. **ROLL CALL.**
2. **APPROVAL OF MINUTES. January 25, 2016 And February 2, 2016**

Documents: [01-25-2016.PDF](#), [02-02-16SPECIAL.PDF](#)
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.**
7. **Council Bill 2016-032. (Schilling)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 1.88 acres of property, generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue. from Greene County R-1.

Suburban Residence District, to a City GR, General Retail District, and adopting an updated Official Zoning Map. (Staff, and Planning and Zoning Commission recommend approval.) (By: Thomas & Lee Ann Conway, Tom's Lawn Maintenance, LLC and St. Thomas the Apostle Orthodox Church; 2716-2736 W. Republic St. and 4229 S. Scenic Ave.; Z-37-2015.)

Documents: [2016-032.PDF](#)

8. Council Bill 2016-033. (Hosmer)

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 6.83 acres of property generally located at 1514 West Lark Street and 4346 South Kansas Avenue, from Planned Development No. 88, 2nd Amendment and an R-SF, Single Family Residential District, to an O-1, Office District with a Conditional Overlay District No. 105. (By: R.H. Montgomery Properties, INC.; 1514 West Lark Street and 4346 South Kansas Ave.; Z-1-2016 & Conditional Overlay District No. 105.)

Documents: [2016-033.PDF](#)

9. Council Bill 2016-034. (Schilling)

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.81 acres of property, generally located at 608, 614, and 618 West Mount Vernon Street, from R-SF, Single-Family Residential District, to R-LD, Low-Density Multi-Family Residential District; establishing Conditional Overlay District No. 103; and adopting an updated Official Zoning Map. (Staff, and Planning and Zoning Commission recommend approval.) (By: Mount Vernon 608, LLC; 608, 614 and 618 West Mount Vernon Street; Z-39-2015 & Conditional Overlay District No. 103.)

Documents: [2016-034.PDF](#)

10. Council Bill 2016-035. (Ferguson)

A special ordinance authorizing the issuance of Conditional Use Permit No. 418 to allow an automobile service garage within a GR, General Retail District, generally located at 1100 & 1110 North Grant Avenue. (Planning and Zoning Commission and staff recommend approval.)

Documents: [2016-035.PDF](#)

11. Council Bill 2016-036. (McClure)

A special ordinance adopting the Redevelopment Plan for the Cherry Townhouse Redevelopment Area (CTRA) generally located along the south east side of East Cherry Street between South Thomas Avenue and South Kimbrough Avenue, and declaring its redevelopment necessary for the preservation of the public peace, prosperity, health, safety, morals, and welfare. (The Planning and Zoning Commission, The Land Clearance for Redevelopment Authority, and City staff recommend approval.)

Documents: [2016-036.PDF](#)

12. RESOLUTIONS.

13. EMERGENCY BILLS.

14. PUBLIC IMPROVEMENTS.

15. GRANTS.

16. AMENDED BILLS.

17. COUNCIL BILLS FOR PUBLIC HEARING.

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

19. Council Bill 2016-040. (McClure)

A general ordinance amending the Springfield City Code, Chapter 78 – Offenses and Miscellaneous Provisions, Article I – In General by repealing Section 78-2 – Aggressive solicitation in its entirety.

Documents: [2016-040.PDF](#)

20. **Council Bill 2016-041. (Ferguson)**

A special ordinance authorizing the addition of one full-time residential construction and zoning inspector to the Building Development Services Department (BDS).

Documents: [2016-041.PDF](#)

21. **PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

22. **NEW BUSINESS.**

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

23. **UNFINISHED BUSINESS.**

24. **MISCELLANEOUS.**

25. **CONSENT AGENDA – FIRST READING BILLS.**

26. **CONSENT AGENDA – ONE READING BILLS. See Item #3.**

27. **Council Bill 2016-042. (Fisk)**

A special ordinance authorizing the City Manager, or his designee, to accept and appropriate a Waste District "O" grant in the amount of \$28,859 for the purpose of purchasing a variety of recycling containers for use at City-operated facilities; and amending the Environmental Services Department, Fiscal Year 2015-2016 budget in the amount of \$28,859.

Documents: [2016-042.PDF](#)

28. **CONSENT AGENDA – SECOND READING BILLS. Citizens Have Spoken. May Be Voted On.**

29. **Council Bill 2016-037. (Hosmer)**

A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Program (STP) - Urban Program Agreement with the Missouri Highways and Transportation Commission (MHTC) to partially reimburse the base salaries of up to six City employees who work at the Transportation Management Center (TMC) and amending the budget of the Department of Public Works for Fiscal Year 2015-2016, in the amount of \$300,000.

Documents: [2016-037.PDF](#)

30. **Board Confirmations.**

Confirm the following appointment to the Building Trades Examination and Certification Board: James "Randy" Scott with term to expire October 1, 2017.

Confirm the appointment of Ken McClure to serve as Council's non-voting liaison to the Police Officer's and Fire Fighter's Retirement System Board of Trustees.

31. **END OF CONSENT AGENDA.**

32. **ADJOURN.**

Persons addressing City Council are asked to step to the microphone and clearly state their name and

address before speaking.

All meetings are recorded.

In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 864 -1443 at least 3 days prior to the scheduled meeting.

January 25, 2016
Springfield, Missouri

The City Council met in regular session January 25, 2016 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Bob Stephens. A moment of silence was observed.

Roll Call

Present: Phyllis Ferguson, Mike Schilling, Justin Burnett, Craig Fishel, Ken McClure, Jan Fisk, Craig Hosmer, Kristi Fulnecky, and Bob Stephens. Absent: None.

Minutes

The minutes of January 11, 2016 were approved as presented.

Consent Agenda

The Consent Agenda was finalized and approved as amended.

Mayor Pro Tem McClure moved to add board appointments that were posted as possible additions to the agenda in the Clerk's office on Friday to the agenda under new business. Councilman Fishel seconded the motion and it was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

CEREMONIAL MATTERS**City Managers report and responses to questions raised at the previous City Council meeting:**

Collin Quigley, Assistant City Manager, responded all questions had been answered. Mr. Quigley expressed his gratitude to City employees and others in the community who helped respond to the weather event last week. He stated the Springfield-Greene County 9-1-1 Emergency Communications Department has seen a record setting number of calls and phone interactions with telecommunicators handling over 1,800 phone interactions and 1,100 calls for service to our first responders.

Mr. Quigley noted Ice Hockey advocate and longtime Missouri State Ice Bears general manager Stan Melton was honored Friday, January 22, 2016 at the sold-out Ice Bears vs. Mizzou hockey game at Mediacom Ice Park. The East Rink, the home facility for the Ice Bears and the 4-1-7 Express Junior-A hockey team, was renamed, "The Stan Melton Rink," in honor of his tireless efforts to establish, promote and grow the sport of Ice Hockey in Springfield.

Mr. Quigley noted Police Chief Paul Williams provided the monthly crime statistic for review. He stated the 66th Police Academy class graduated January 22, 2016 and 21 new officers are now in field training. He stated the 67th Police Academy is scheduled to start February 8, 2016 with 14 recruits and the Department is actively recruiting for an August 2016 Police Academy class.

Mr. Quigley noted the Zone 1 Connect will take place Saturday, January 30, 2016 from 9:30 a.m. until noon at The Fusion Center located at 1320 North Campbell. He stated 200 Zone 1 residents are expected to participate in this event, which will match project ideas with area neighborhoods. Mr. Quigley noted this event is

a follow-up to a series of Community Listen events that took place in nine Zone 1 neighborhoods in May 2015. He stated more than 266 individuals have signed up to be part of the Zone Blitz, representing more than 165 partner organizations and Zone 1 Councilwoman, Phyllis Ferguson, is helping lead this charge.

Mr. Quigley noted Greg Burriss, City Manager, had asked him to read a personal tribute to Dr. John Keiser who passed away on January 22, 2016. Dr. Keiser was a former President of Missouri State University.

The following bills appeared on the agenda under Second Reading Bills:

**Annexation: West
Republic Street and
South Scenic Avenue**

Sponsor: Schilling. Council Bill 2016-002. A general ordinance amending Section 1-9 of the Springfield City Code, City Limits, by annexing approximately 1.88 acres of private property and 0.27 acres of Greene County right-of-way into the City of Springfield, generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue, generally referenced as Annexation A-8-15; and amending the Springfield City Code, Chapter 46, Section 46-1, Boundaries of wards, precincts and council zones, by adding this property to the ward and precinct assigned them by the County Clerk.

Council Bill 2016-002. General Ordinance 6250 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Rezoning 5904 South
Southwood**

Sponsor: Fishel. Council Bill 2016-003. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 12 acres of property, generally located at 5904 South Southwood Avenue, from Greene County O-2, Office District to a City GI, Governmental and Institutional Use District; establishing Conditional Overlay District No. 101; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: City of Springfield for Mercy Rehabilitation Hospital; 5904 South Southwood Avenue; Z-35-2015 Conditional Overlay District No. 101.)

Council Bill 2016-003. General Ordinance 6251 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Rezoning 1300-1332
East Republic Street**

Sponsor: Fishel. Council Bill 2016-004. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 4.05 acres of property, generally located at 1300-1332 East Republic Street, from a Planned Development No. 84 to HC, Highway Commercial District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: John R. Haik Trust & Rosa Lee Haik Trust; 1300-1332 E. Republic St.; Z-43-2015.)

Council Bill 2016-004. General Ordinance 6252 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Rezoning 1329 East
Lark Street**

Sponsor: Fishel. Council Bill 2016-005. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning

approximately 3.28 acres of property, generally located at 1329 East Lark Street, from a Planned Development No. 84 to a GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: St. Johns Regional Health Center; 1329 E. Lark Street; Z-44-2015.)

Council Bill 2016-005. General Ordinance 6253 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Rezoning 1209 East
Holiday Street**

Sponsor: Fishel. Council Bill 2016-006. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 5.52 acres of property, generally located at 1209 East Holiday Street, from O-1, Office District to GR, General Retail District; establishing Conditional Overlay District No. 104; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: BGH South Development Holding, LLC; 1209 East Holiday Street; Z-38-2015 & Conditional Overlay District No. 104.)

Council Bill 2016-006. General Ordinance 6254 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Rezoning 3410 South
Campbell Avenue and
202 East Walnut Lawn
Street**

Sponsor: Fishel. Council Bill 2016-007. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 10.63 acres of property, generally located at 3410 South Campbell Avenue and 202 East Walnut Lawn Street, from a Planned Development 261, 1st Amendment and Planned Development 30, 1st Amendment to HC, Highway Commercial District; establishing Conditional Overlay District No. 102; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Westport Management, LLC and St. Johns Regional Health Center; 3410 South Campbell Avenue and 202 East Walnut Lawn Street; Z-40-2015 & Conditional Overlay District No. 102.)

Councilwoman Ferguson asked for clarification on improvements to the Campbell and Walnut Lawn intersection. Dan Smith, Director of Public Works, stated the 1/4 cent and 1/8 cent sales tax initiative, if passed, will provide improvements to this intersection. Ms. Ferguson asked how traffic congestion on Walnut Lawn will improve. Mr. Smith responded the right turns being designed for this intersection will help reduce the backup of traffic. Ms. Ferguson asked for a possible date for completion. Mr. Smith responded his department is currently in the design phase, and due to lack of funding a date has not been established to begin construction. Ms. Ferguson asked for clarification on the traffic study requirements. Mary Lilly Smith, Director of Planning and Development, responded existing zoning allows for a fitness center to have up to 121,000 square feet of use. She stated a traffic study will be required if any new development will generate more traffic than the current 121,000 square feet of fitness center would have generated. Ms. Ferguson asked if the developer should conduct a traffic study to determine if the traffic generated will surpass the 121,000 square feet use, and design a solution to the negative impact of the increased traffic. Ms. Smith responded in the affirmative and stated any designs will have to be approved by the City. Ms. Ferguson asked if new designs would be provided to the

neighborhood for review. Ms. Smith responded in the negative.

Councilman Fishel asked for clarification on the 25-foot buffer yard and whether it will be affected by any street improvements and right-of-way changes. Mr. Smith responded the design process will have to be completed to determine if the buffer yard will be effected.

Councilwoman Fulnecky asked for clarification on existing zoning in the area. Ms. Smith gave a brief overview of proposed changes to the existing zoning.

Mayor Stephens asked if the Youngblood Dealership's personnel are currently required to drive vehicles across Campbell to service them and if the proposed will allow the Dealership to have a service center on their property. Ms. Smith responded in the affirmative. Mayor Stephens expressed his opinion this will help decrease traffic in the area as well.

Councilwoman Fisk asked if there are plans to extend Kimbrough Avenue to East Primrose Street. Mr. Smith responded extension of Kimbrough Avenue is on the thoroughfare plan, but no definite plans for construction exist at this time.

Mayor Stephens informed Council, Ken Roetto has requested an opportunity to present new information to Council. He advised a motion to suspend the rules would be required.

Councilman Hosmer moved to suspend the rules to allow Mr. Roetto to address Council. Councilwoman Fulnecky seconded the motion and it was approved by the following vote: Ferguson, Schilling, Burnett, McClure, Fisk, Hosmer, and Fulnecky. Nays: Fishel, and Stephens. Absent: None. Abstain: None.

Ken Roetto spoke in opposition to the proposed. He expressed his opinion traffic congestion is not a new issue. Mr. Roetto expressed his concern with Mr. Youngblood's intent of selling the remainder of the property once he has completed his development. He asked Council to table the proposed until all facts have been determined.

Councilman Fishel asked for clarification on overlays. Ms. Smith responded when property is sold all overlays stay with the property.

Derek Lee, property owner's representative, spoke in support of the proposed. He stated the existing zoning allows for high traffic use. Mr. Lee noted the proposed is a restrictive Highway Commercial District. He stated construction of a service center will not increase traffic more than currently exists with customers dropping off vehicles and Youngblood personnel shutteling cars back and forth across Campbell.

Pat Scott spoke in opposition to the proposed. She asked Council to table the proposed until all facts have been determined.

With no further appearances, the public hearing was closed.

Council Bill 2016-007. General Ordinance 6257 was approved by the following vote: Ayes: Ferguson, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: Schilling. Absent: None. Abstain: None.

**Rezoning 216 East
Walnut Lawn**

Sponsor: Fishel. Council Bill 2016-008. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.88 acres of property, generally located at 216 East Walnut Lawn, from R-TH, Residential Townhouse District to O-1, Office District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Mercy Health Springfield Communities; 216 East Walnut Lawn Street; Z-42-2015.)

Tom Smith, Assistant City Clerk, informed Council, Ken Roetto has requested an opportunity to present new information to Council. He advised a motion to suspend the rules would be required.

Councilman Hosmer moved to suspend the rules to allow Mr. Roetto to address Council. Councilwoman Fulnecky seconded the motion and it failed by the following vote: Ayes: Ferguson, Burnett, Hosmer, and Fulnecky. Nays: Schilling, Fishel, McClure, Fisk, and Stephens. Absent: None. Abstain: None.

Council Bill 2016-008. General Ordinance 6256 was approved by the following vote: Ayes: Ferguson, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: Schilling. Absent: None. Abstain: None.

**Building Code, Section
36-602**

Sponsor: Fulnecky. Council Bill 2016-009. A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article V, Building Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Building Code, Section 36-602 by amending certain subsections and enacting new subsections related to the same subject.

Council Bill 2016-009. General Ordinance 6257 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Amending The Fuel
Gas Code, Section 36-
1402**

Sponsor: Ferguson. Council Bill 2016-010. A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article XIV, Fuel Gas Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Fuel Gas Code, Section 36-1402 by amending certain subsections and enacting new subsections related to the same subject.

Council Bill 2016-010. General Ordinance 6258 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Amending The
Mechanical Code,
Section 36-632**

Sponsor: Hosmer. Council Bill 2016-011. A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article IX, Mechanical Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Mechanical Code, Section 36-632 by amending certain subsections and enacting new subsections related to the same subject.

Council Bill 2016-011. General Ordinance 6259 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Amending The Plumbing Code, Sections 36-622 and 36-624

Sponsor: Fisk. Council Bill 2016-012. A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article VIII, Plumbing Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Plumbing Code, Section 36-622 by amending certain subsections and enacting new subsections related to the same subject; and amending Section 36-624 – Penalty clause to correct an error.

Council Bill 2016-012. General Ordinance 6260 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Amending The Residential Building Code, Section 36-1302

Sponsor: McClure. Council Bill 2016-013. A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article XIII, Residential Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Residential Building Code, Section 36-1302 by amending certain subsections and enacting new subsections related to the same subject.

Council Bill 2016-013. General Ordinance 6261 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Amending The Electric Code, Section 36-612

Sponsor: Fulnecky. Council Bill 2016-014. A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article VI, Electrical Code, Division 2 – Deletions, Modifications, Amendments and Additions to the Electric Code, Section 36-612 by amending certain subsections and enacting a new subsection related to the same subject.

Councilman Fishel expressed his appreciation to Chris Straw, Director of Building Development Services, for his department’s work on keeping all codes updated.

Council Bill 2016-014. General Ordinance 6262 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Preliminary Funding Agreement With Kraft Heinz Foods Company

Sponsor: Ferguson. Council Bill 2016-015. A special ordinance authorizing the City Manager, or his designee, to execute a Preliminary Funding Agreement between the City of Springfield, Missouri (City) and Kraft Heinz Foods Company (Kraft Heinz), authorizing the execution of documents and the taking of actions consistent therewith, and amending the budget provided for the Department of Planning and Development for Fiscal Year 2015-2016, in the amount of \$40,000.

Councilwoman Fulnecky expressed her opinion that manufacturing is an important industry. Ms. Fulnecky expressed her appreciation to Kraft Heinz Foods Company for considering increasing their product lines in Springfield.

Councilman Hosmer asked for clarification on an affirmative vote on the proposed. Mary Lilly Smith, Director of Planning and Development, responded the proposed allows the City to hire Gilmore and Bell as the City's economic development counsel and allows Kraft Heinz Foods Company to pay the City's economic development counsel fees. She stated an affirmative vote does not bind the City to the economic development incentive. Ms. Smith noted the proposed is the first step in this process. Mr. Hosmer asked if the economic development incentive will come back to Council for approval. Ms. Smith responded in the affirmative and reiterated this is the first step in a three-step process. Mr. Hosmer stated an affirmative vote does not cost the City anything. Ms. Smith responded in the affirmative.

Council Bill 2016-015. Special Ordinance 26680 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Preliminary Funding Agreement With Kraft Heinz Foods Company

Sponsor: Ferguson. Council Bill 2016-016. A special ordinance authorizing the City Manager, or his designee, to execute a Preliminary Funding Agreement between the City of Springfield, Missouri (City) and Kraft Heinz Foods Company (Kraft Heinz), authorizing the execution of documents and the taking of actions consistent therewith, and amending the budget provided for the Department of Planning and Development for Fiscal Year 2015-2016, in the amount of \$7,500.

Council Bill 2016-016. Special Ordinance 26681 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Cost-Sharing Agreement With Ozarks Technical Community College

Sponsor: Burnett. Council Bill 2016-017. A special ordinance authorizing the City Manager, or his designee, to enter into a cost-sharing agreement with Ozarks Technical Community College (OTC) for the purpose of constructing improvements along Central Street and Pythian Street between Clay Avenue and National Avenue (Central/Pythian Project), amending the 2013-2018 Capital Improvements Program to include the Central/Pythian Project, and amending the budget of the Department of Public Works for Fiscal Year 2015-2016 in the amount of \$335,580 to appropriate a contribution from OTC towards the project according to the cost-sharing agreement.

Mayor Pro Tem McClure expressed his opinion OTC is a valuable partner to the City and thanked OTC for their long-range plans presentation at the January 19, 2016 Council luncheon.

Councilman Schilling expressed his opinion the proposed will have a positive impact on the City and surrounding neighborhood.

Mayor Stephens expressed his opinion this project will have a positive impact on the City and stated he is pleased to support the proposed.

Council Bill 2016-017. Special Ordinance 26682 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Springfield-Greene
County 9-1-1
Emergency
Communications
Department Budget**

Sponsor: Fulnecky. Council Bill 2016-019. A special ordinance amending the 2015-2016 budget of the Springfield-Greene County 9-1-1 Emergency Communications Department (9-1-1 ECD) in the amount of \$176,876 to appropriate the 9-1-1 Sales Tax revenue for funding the salaries and benefits of six (6), Telecommunicator positions and one (1), 9-1-1 Manager position. (9-1-1 Advisory Board recommends approval.)

Councilwoman Fulnecky expressed her appreciation to the 9-1-1 ECD and stated she is happy to support the proposed.

Council Bill 2016-019. Special Ordinance 26683 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

RESOLUTIONS

**Better Homes &
Gardens Idea House of
the Year, 1900 South
Saratoga**

Sponsor: Fishel. Council Bill 2016-028. A resolution finding and declaring the Better Homes & Gardens Idea House of the Year, 1900 South Saratoga Avenue, to be a Historic Site within the City of Springfield, Missouri. (Landmarks Board and staff recommend approval.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. Ms. Smith introduced Paden Chambers from the Landmarks Board. Mr. Chambers gave an overview of 1900 South Saratoga Avenue.

Mayor Pro Tem McClure asked for clarification on the significance of the Historic designation. Ms. Smith responded the home owner can complete any interior alterations they wish. She stated if a building permit for exterior alterations is required then the Landmarks Board will review proposed changes. Ms. Smith noted if the Landmarks Board denies the permit, the homeowner can wait 60 days and then begin construction. Mayor Pro Tem McClure expressed his concern regarding unreasonable restrictions placed on the site.

Councilman Hosmer asked how other municipalities protect their historic sites. Mr. Chambers responded he is not aware how other municipalities in Missouri protect historic sites. Mr. Hosmer encouraged the Landmarks Board to research how other municipalities protect their historic sites and consider applying those best practices in our community.

An opportunity was given for citizens to express their views.

David Eslick, Landmarks Board member, spoke in favor of the proposed. He stated Springfield has one of the longest required delays prior to demolition.

Councilman Hosmer asked if this designation allows the homeowner to apply for Federal Historic Tax Credits. Ms. Smith responded in the negative.

Councilwoman Ferguson asked if the Landmarks Board is considering placing this property on the National Historic registry. Mr. Eslick responded in the negative.

Jennifer Wilson, property owner, stated she supports the proposed.

With no further appearances, the public hearing was closed.

Council Bill 2016-028. Resolution 10257 was approved by the following vote:
Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Former KGBX Radio
Station, 605 North
Boonville Avenue**

Sponsor: Ferguson. Council Bill 2016-029. A resolution finding and declaring the former KGBX Radio Station, 605 North Boonville Avenue, to be a Historic Site within the City of Springfield, Missouri. (Landmarks Board and staff recommend approval.)

Paden Chambers, Landmarks Board, gave a brief overview of the proposed.

Mayor Pro Tem McClure asked if the Landmarks Board is considering designating the old KWTO building on Glenstone an historic place. Mr. Haden responded it is a possibility.

An opportunity was given for citizens to express their views.

David Eslick, Landmarks Board, spoke in favor of the proposed.

With no further appearances, the public hearing was closed.

Council Bill 2016-029. Resolution 10258 was approved by the following vote:
Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Industrial
Development Revenue
Bonds for Kraft Heinz
Project**

Sponsor: Ferguson. Council Bill 2016-030. A resolution determining the official intent of the City of Springfield, Missouri, to issue its Industrial Development Revenue Bonds in a principal amount not to exceed \$36,000,000, to finance the costs of a project for Kraft Heinz Foods Company under the provisions of Sections 100.010 to 100.200 RSMo.

Mary Lilly Smith, Director of Planning and Development, gave an overview of the proposed. She stated this is the second step in the provision of incentives for Kraft Heinz Foods Company to expand the product lines in Springfield. Ms. Smith noted this resolution signals Council's intent to consider an incentive for Kraft Heinz.

Councilman Hosmer asked if the proposed will allow Kraft Heinz to purchase new equipment. Ms. Smith responded in the affirmative. Mr. Hosmer asked if expansion will create new jobs at Kraft Heinz. Ms. Smith responded this expansion project will create 109 new jobs with a payroll of approximately \$5 million.

Councilman Schilling asked if this expansion is competitive. Ms. Smith responded in the affirmative, and stated Kraft Heinz has said this incentive is important in their decision making process. Mr. Schilling asked for clarification on compliance. Ms. Smith gave a brief overview of the compliance requirements under the 2012 performance agreement. Mr. Schilling asked if there is an interest

rate break for these bonds. Ms. Smith responded in the negative. Mr. Schilling asked if the City will own the equipment during the life of these bonds. Ms. Smith responded in the affirmative.

Mayor Stephens asked for clarification on the jobs that were lost. Ms. Smith responded the jobs still exist as part of another company and are not on the Kraft Heinz payroll.

Councilwoman Ferguson noted this expansion project is to add additional production lines and not a mechanization expansion project. Ms. Ferguson expressed her opinion that Kraft Heinz has been good for Springfield.

Councilman Schilling asked about wages. Ms. Smith responded the new jobs will have wages above the Greene County average wage.

An opportunity was given for citizens to express their views.

Larry Spilker spoke in favor of the proposed. He expressed his opinion that an expansion at Kraft Heinz is good for the City and urged Council to support it.

With no further appearances, the public hearing was closed.

Councilwoman Fulnecky expressed her appreciation to Mr. Spilker for addressing Council.

Councilman Burnett expressed his opinion 109 new jobs will be good for Springfield and he stated he is happy to support the proposed.

Council Bill 2016-030. Resolution 10259 was approved by the following vote:
Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

EMERGENCY BILLS

New Prime, Inc. Packer Road Improvements,

Sponsor: Burnett. Council Bill 2016-031. A special ordinance authorizing the City Manager, or his designee, to enter into a cost share agreement with New Prime, Inc. (Prime) for the purpose of completing Packer Road improvements, and declaring an emergency.

Dan Smith, Director of Public Works, gave a brief overview of the proposed. He stated the proposed is presented as an emergency to ensure this project and the Missouri Department of Transportation's project will be constructed at the same time.

An opportunity was given for citizens to express their views.

Derek Lee, property owner's representative, offered to answer any questions from Council.

With no further appearances, the public hearing was closed.

Council Bill 2016-031. Special ordinance 26684 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

PUBLIC IMPROVEMENTS

GRANTS

AMENDED BILLS

COUNCIL BILLS FOR PUBLIC HEARING:

Rezoning 2716-2736 West Republic Street and 4229 South Scenic Avenue

Sponsor: Schilling. Council Bill 2016-032. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 1.88 acres of property, generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue, from Greene County R-1, Suburban Residence District, to a City GR, General Retail District; and adopting an updated Official Zoning Map. (Staff, and Planning and Zoning Commission recommend approval.) (By: Thomas & Lee Ann Conway, Tom's Lawn Maintenance, LLC and St. Thomas the Apostle Orthodox Church; 2716-2736 W. Republic St. and 4229 S. Scenic Ave.; Z-37-2015.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She stated the Growth Management and Land Use Plan identifies this area as appropriate for low-density housing, but it is located in an area that is zoned General Retail. Ms. Smith noted the proposed zoning is consistent with surrounding zoning.

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

Rezoning 1514 West Lark Street and 4346 South Kansas Avenue

Sponsor: Hosmer. Council Bill 2016-033. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 6.83 acres of property generally located at 1514 West Lark Street and 4346 South Kansas Avenue, from Planned Development No. 88, 2nd Amendment and an R-SF, Single Family Residential District, to an O-1, Office District with a Conditional Overlay District No. 105. (By: R.H. Montgomery Properties, INC.; 1514 West Lark Street and 4346 South Kansas Ave.; Z-1-2016 & Conditional Overlay District No. 105.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She stated the Growth Management and Land Use Plan identifies this area as appropriate for low-density housing. Ms. Smith noted the current land use is for a nursing and retirement home. She stated the proposed zoning will allow the existing nursing home to expand. Ms. Smith noted Conditional Overlay No. 105 will limit the uses to retirement and nursing home uses and will require the completion of a traffic study at the time of development.

An opportunity was given for citizens to express their views.

Neal Slattery, spoke in support of the proposed. He stated the intent is to expand the current facility by approximately 18,000 square feet and this will create 25 new

jobs.

With no further appearances, the public hearing was closed.

**Rezoning 608, 614, and
618 West Mount
Vernon Street**

Sponsor: Council Bill 2016-034. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.81 acres of property, generally located at 608, 614, and 618 West Mount Vernon Street, from R-SF, Single-Family Residential District, to R-LD, Low-Density Multi-Family Residential District; establishing Conditional Overlay District No. 103; and adopting an updated Official Zoning Map. (Staff, and Planning and Zoning Commission recommend approval.) (By: Mount Vernon 608, LLC; 608, 614 and 618 West Mount Vernon Street; Z-39-2015 & Conditional Overlay District No. 103.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed and the zoning history. She stated the Growth Management and Land Use Plan identifies this area as appropriate for medium or high-density housing. Ms. Smith noted the proposed zoning is consistent with the plan and appropriate for the Mount Vernon Street collector roadway designation. She stated the Conditional Overlay will establish a maximum density of 11 dwelling units per acre.

Councilwoman Ferguson asked what the current ratio of rental to homeowner is. Ms. Smith responded it could be as high 80/20 rental to homeowner.

Councilwoman Fulnecky asked for clarification on current zoning of the adjacent properties. Ms. Smith responded with a brief overview of existing zoning in the neighborhood.

An opportunity was given for citizens to express their views.

Patricia Neff spoke in opposition of the proposed. She expressed her opinion having a four-plex apartment building for college students located at 618 West Mount Vernon is not in the best interest of the neighborhood. She stated she does not want an apartment building next to her single-family house and urged Council to not support the proposed.

Mayor Stephens expressed his appreciation to Ms. Neff on the work she has done on the properties in question.

Councilwoman Ferguson expressed her opinion that Ms. Neff's home is a very elegant home and thanked her for the work she has done on her property.

Brandy Roberts spoke in opposition of the proposed. She stated she has circulated an informal petition of local homeowners and has collected 135 signatures. Ms. Roberts expressed her concern that the proposed will allow for housing intended for college student rentals.

Councilman Fishel asked for the location of 618 West Mount Vernon Street. Ms. Smith identified the location. Councilman Fishel asked for clarification of the number of properties in questions. Ms. Smith responded there are two lots with three structures on them.

Councilwoman Fulnecky asked Ms. Roberts if a protest petition had been filed. Ms. Roberts responded in the affirmative.

Councilwoman Ferguson asked for clarification on the protest petition process. Dan Wichmer, City Attorney, responded a protest petition with 30 percent of homeowners within 185-feet of the property in question signing the petition will require a super majority of Council for passage.

Councilman Hosmer asked for clarification on the proposed development. Ms. Smith stated the developer is present and will speak to that issue.

David Eslick spoke in support of the proposed. He expressed his opinion the developer will improve the neighborhood.

Dixie Decker spoke in support of the proposed. She stated she is the property owner of the property in question and gave an overview of their proposed development. Ms. Decker expressed her opinion the current house is not suitable for occupancy.

Councilman Schilling asked how many units will be built. Ms. Decker responded a final determination has not been made at this time. Mr. Schilling asked for feasibility of maintaining the property as a single-family residence. Ms. Decker expressed her opinion it is not economically feasible to remodel the current house and keep it as a single-family residence.

Councilwoman Fisk asked for the addresses of the properties on Walnut. Ms. Decker responded with 1040, 1046, and 1144 East Walnut.

Councilwoman Ferguson asked how many bedrooms will be in each unit. Ms. Decker responded no more than three per unit.

Councilman Fishel asked if this development will be for students or families. Ms. Decker responded she will not be biased to anyone wanting to rent from her, but the majority of her tenants are students.

Councilman Hosmer asked for clarification on the maximum allowable dwelling units on this property. Ms. Smith responded the Conditional Overlay limits the number of dwelling units per acre to 11. Mr. Hosmer asked how many people can live in each unit. Ms. Smith responded three people could live in each unit. Mr. Hosmer asked if a duplex has been considered. Ms. Decker responded in the affirmative, but stated no final plans have been developed at this time.

Brandon Dickman spoke in support of the proposed. He offered to answer additional questions from Council.

Kathleen Cowens, President of the West Central Neighborhood Alliance, spoke in opposition of the proposed. She stated the Alliance Board does not support the proposed. Ms. Cowens noted the West Central Strategic Plan promotes owner-occupied housing. She expressed her opinion the proposed is not in the best interest of the neighborhood.

Tim Rosenberry, representing the developer, spoke in support of the proposed. He expressed his opinion the proposed represents a significant investment in the neighborhood.

Councilman Schilling asked if there is value in keeping this property as single-family zoning. Mr. Rosenberry expressed his opinion this is not an economically feasible option.

With no further appearances, the public hearing was closed.

**Conditional Use Permit
No. 418 at 1100 & 1110
North Grant Avenue**

Sponsor: Ferguson. Council Bill 2016-035. A special ordinance authorizing the issuance of Conditional Use Permit No. 418 to allow an automobile service garage within a GR, General Retail District, generally located at 1100 & 1110 North Grant Avenue. (Planning and Zoning Commission and staff recommend approval.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She stated the Growth Management and Land Use Plan identifies this area as appropriate for medium-intensity retail, office, or housing and Grant is classified as a primary arterial. Ms. Smith noted the existing automobile service garage located at 1100 North Grant is designated legal nonconforming use. She stated the proposed will allow the owners to expand their business.

An opportunity was given for citizens to express their views.

Stephanie Ireland, owner's representative, spoke in favor of the proposed. She gave a brief overview of the proposed development.

Councilwoman Ferguson asked for clarification on the owner's intent to expand. Ms. Ireland responded the owner's intent is to expand their business.

With no further appearances, the public hearing was closed.

**Cherry Townhouse
Redevelopment Area**

Sponsor: McClure. Council Bill 2016-036. A special ordinance adopting the Redevelopment Plan for the Cherry Townhouse Redevelopment Area (CTRA) generally located along the south east side of East Cherry Street between South Thomas Avenue and South Kimbrough Avenue, and declaring its redevelopment necessary for the preservation of the public peace, prosperity, health, safety, morals, and welfare. (The Planning and Zoning Commission, The Land Clearance for Redevelopment Authority, and City staff recommend approval.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She stated the existing zoning is high-density, multi-family residential. Ms. Smith noted the current structure was built in 1882 as a single-family house and has been converted into a four-unit apartment building. She stated the CTRA was declared blighted in 1964, reaffirmed in 1967, and continues to exhibit blight conditions. Ms. Smith noted the CTRA plan's strategy is to remove blight and redevelop the area, demolish the existing structure, and build a new townhouse-style multi-family structure consisting of three to five units, with eight to twelve bedrooms, and a three-story maximum height.

Councilwoman Fulnecky asked for clarification of the properties to the west. Ms. Smith responded there are apartments on each side of the property.

Councilwoman Fisk asked for clarification on the number of bedrooms and parking spaces. Ms. Smith responded the developer has not finalized the plans as of this time.

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

FIRST READING BILLS.

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

The following appeared on the agenda under New Business:

- | | |
|--------------------------|--|
| Added-Recommended | The City Manager recommends the following appointment to the Building Trades Examination and Certification Board: James “Randy” Scott with term to expire October 1, 2017. |
| Recommended | Mayor Stephens recommends the appointment of Ken McClure to serve as Council’s non-voting liaison to the Police Officer’s and Fire Fighter’s Retirement System Board of Trustees. |
| Records Retention | 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. |

UNFINISHED BUSINESS

MISCELLANEOUS

The following bills appeared on the agenda under Consent Agenda First Reading Bills:

- | | |
|--|--|
| Surface Transportation Program - Urban Program Agreement with the Missouri Highways and Transportation Commission | Sponsor: Hosmer. Council Bill 2016-037. A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Program (STP) - Urban Program Agreement with the Missouri Highways and Transportation Commission (MHTC) to partially reimburse the base salaries of up to six City employees who work at the Transportation Management Center (TMC) and amending the budget of the Department of Public Works for Fiscal Year 2015-2016, in the amount of \$300,000. |
|--|--|

The following bills appeared on the agenda under Consent Agenda One Reading Bills:

- | | |
|---|--|
| Improve Nutrition Education at the Preschool Level | Sponsor: Burnett. Council Bill 2016-038. A special ordinance authorizing the City Manager, or his designee, to accept a federal grant from the Missouri Department of Health and Senior Services (DHSS), to support educational activities to improve nutrition education at the preschool level, and amending the budget of the Springfield-Greene County Health Department (SGCHD) for Fiscal Year 2015-2016 in the amount of \$2,500.00 to appropriate the grant funds. |
|---|--|

Council Bill 2016-038. Special ordinance 26685 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

The following bills appeared on the agenda under Consent Agenda Second Reading Bills:

Comprehensive Housing Assistance Program

Sponsor: Schilling. Council Bill 2016-018. A general ordinance amending the program rules and regulations for the "Comprehensive Housing Assistance Program" (CHAP) as previously adopted by General Ordinance No. 5810 on March 23, 2009 and amended by General Ordinance No. 5930 on May 2, 2011, by amending Chapter 2, Section H and Chapter 11, Section 4 to allow the loan committee to accept reduced payoffs under the "Minor and Emergency Home Repair Loan" program.

Council Bill 2016-018. General ordinance 6263 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Springfield Convention and Visitors Bureau, Inc

Sponsor: McClure. Council Bill 2016-020. A special ordinance authorizing the City Manager, or his designee, to enter into an addendum to the annual agreement with the Springfield Convention and Visitors Bureau, Inc., (SCVB) and amending the budget of the City for Fiscal Year 2015-2016 to reflect current and projected operational changes.

Council Bill 2016-020. Special ordinance 26686 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Kearny Street and Mulroy Road Roadway Signal Improvements Project

Sponsor: Burnett. Council Bill 2016-021. A special ordinance approving the plans and specifications for the State Highway 744 (Kearney Street) and Mulroy Road Roadway and Signal Improvements Project, Plan No. 2015PW0031T, accepting the bid of Ewing Signal Construction, LLC for that project, and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Council Bill 2016-021. Special ordinance 26687 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Missouri Highways and Transportation Commission Buy America Requirements

Sponsor: Fisk. Council Bill 2016-022. A special ordinance authorizing the City Manager, or his designee, to enter into a Supplemental Master Reimbursable Utility Agreement with the Missouri Highways and Transportation Commission (MHTC) to add Buy America requirements to the existing Master Reimbursable Utility Agreement for construction projects involving sanitary sewer or storm sewer relocation or adjustments.

Council Bill 2016-022. Special ordinance 26688 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Kansas Expressway Extension

Sponsor: Schilling. Council Bill 2016-025. A special ordinance authorizing the City Manager, or his designee, to enter into a cost-share agreement with Greene County, Missouri, to share costs associated with the extension of Kansas Expressway; amending the budget of the Department of Public Works for Fiscal Year 2015-2016 in the amount of \$350,958.78, and to appropriate the transfer of the City's federal Surface Transportation Program -Urban (STP) funds to Greene County through the Ozarks Transportation Organization (OTO) to cover the City's share of costs based on the above-described agreement.

Council Bill 2016-025. Special ordinance 26689 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Battery Outfitters Donation

Sponsor: McClure. Council Bill 2016-026. A special ordinance authorizing the City Manager, or his designee, to accept the donation of 500, nine volt batteries from Battery Outfitters to support the Springfield Fire Department's free smoke alarm and battery program.

Council Bill 2016-026. Special ordinance 26690 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Records Retention

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.

Confirmed

The City Manager recommends the following appointment to the Airport Board: Jerry Harmison with term to expire June 1, 2017.

Referred

Refer to the Plans and Policies Committee the proposed changes to the panhandling ordinance.

Referred

Refer to the Plans and Policies Committee the issue of short term vacation rentals.

Adjourn

With no further business to come before Council, the meeting adjourned at approximately 8:56 p.m.

Tom Smith
Assistant City Clerk

February 2, 2016
Springfield, Missouri

Following the City Council Lunch, the City Council met in special session on February 2, 2016 in the 4th Floor Conference Room in the Busch Municipal Building at 12:43 p.m. The meeting was called to order by Mayor Bob Stephens.

Roll Call

Present: Mike Schilling, Justin Burnett, Craig Fishel, Ken McClure, Jan Fisk, Craig Hosmer, Kristi Fulnecky, Phyllis Ferguson, and Bob Stephens. Absent: None.

The following bills appeared on the agenda under Emergency Bills:

**Main Avenue
Streetscape – Phase 1**

Sponsor: Schilling. Council Bill 2016-039. A special ordinance approving the plans and specifications for the Main Avenue Streetscape – Phase 1 project, Plan No. 2014PW0057T, TAP-5901 (805), accepting the bid of Hunter Chase & Associates for the construction of this project, authorizing the City Manager, or his designee, to enter into a contract with such bidder, and declaring an emergency.

Paula Brookshire, Public Works, gave an overview of the proposed. She explained the proposed will be completed along Main Avenue between College Street and a point south of the railroad right-of-way line, which is located near City Utilities (CU) new Bus Transfer Station. Ms. Brookshire added this project, which was rebid, will be funded by the federal Alternatives Grant Program and the ¼-cent Capital Improvements Program, and both funding sources are already budgeted.

Ms. Brookshire noted Public Works recommends acceptance of the bid of Hunter Chase & Associates, as the lowest responsive bid, as well as passage of the proposed.

Councilman McClure inquired about the opening date of CU's new Bus Transfer Station.

Ms. Brookshire stated CU's new Bus Transfer Station is scheduled to open the 1st Friday in May 2016.

Councilwoman Fulnecky asked for clarification about the process CU utilized to select the location of Main Avenue for their new Bus Transfer Station.

Ms. Brookshire noted CU worked on finding a location for their new Bus Transfer Station for quite some time before the Main Avenue location was selected. She added the proposed is located in Zone 3.

Councilman McClure discussed the extensive process involved in CU's selection for the location of the new Bus Transfer Station, which had a lot of input from the Community.

Councilwoman Fisk asked for clarification of the proposed project location.

Ms. Brookshire noted the proposed falls short of being located in front of the Butler Rosenbury facility.

An opportunity was given for citizens to express their views.

With no appearances, the discussion was closed.

Council Bill 2015-039. Special Ordinance 26691 was approved by the following vote: Ayes: Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson, and Stephens. Nays: None. Absent: None. Abstain: None.

Adjourn

With no further business to come before Council, the meeting adjourned to Closed Session at approximately 1:08 p.m.

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by Anita
Climer

One-rdg. _____
P. Hrngs. _____
Pgs. 16
Filed: 01-19-16

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 032

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 1.88 acres of property, generally located at 2716-
3 2736 West Republic Street and 4229 South Scenic Avenue, from Greene
4 County R-1, Suburban Residence District, to a City GR, General Retail
5 District; and adopting an updated Official Zoning Map. (Staff, and Planning
6 and Zoning Commission recommend approval.)
7
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 described in "Exhibit B" of this Ordinance, generally located at 2716-2736 West
11 Republic Street and 4229 South Scenic Avenue, from Greene County R-1, Suburban
12 Residence District, to GR, General Retail District; and
13

14 WHEREAS, following proper notice, a public hearing was held before the
15 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
16 hearing being attached hereto as "Exhibit A"; and said Commission made its
17 recommendation; and
18

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

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

25 Section 1 – The property described in "Exhibit B" of this Ordinance be, and the
26 same hereby is, rezoned from Greene County R-1, Suburban Residence District, or
27 such zoning district as is designated on the Official Zoning Map adopted by the City
28 Council, to GR, General Retail District; and the Springfield Land Development Code,
29 Section 36-306 thereof, Zoning Maps, is hereby amended, changed and modified
30 accordingly.
31

32 Section 2 – The City Council hereby directs the City Manager, or his designee, to
33 update the City's digital zoning map to reflect this rezoning, and City Council adopts the

34 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
35 for in the Springfield Land Development Code, Section 36-306, Official Zoning Maps
36 and Rules of Interpretation.

37
38 Section 3 – The Official Zoning Map herein adopted shall be maintained and
39 archived in the same digital form in which this Council has approved its adoption.

40
41 Section 4 – 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 Approved as to form: Achalot Wiedner, Assistant City Attorney

54
55 Approved for Council action: Greg Bennett, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 032

FILED: 01-19-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 1.88 acres of property generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue from a County R-1, Suburban Residence District to a GR, General Retail District.

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-37-2015

The applicant is proposing to rezone the subject properties from a County R-1, Suburban Residence District to a GR, General Retail District. The intent of this application is to rezone and combine the subject properties which will facilitate the redevelopment of the site for commercial uses.

The Growth Management and Land Use Plan element of the City's Comprehensive Plan designates this area as appropriate for low-density housing; however, these properties are located at a major intersection of two arterial streets (Republic Street and Scenic Avenue). This area is also located near a Community Activity Center at James River Freeway and Kansas Expressway which recommends that this area be developed with greater intensity.

REMARKS: The Planning and Zoning Commission held a public hearing on January 7, 2016, and recommended approval, by a vote of 5 to 0, of the proposed zoning on the tract of land described on the attached sheet, "Exhibit B."

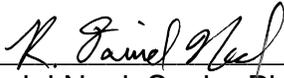
The Planning and Development staff recommends the application be approved see the Development Review Staff Report, "Exhibit C."

FINDINGS FOR STAFF RECOMMENDATION:

1. This area is located at the intersection of Republic Street and Scenic Avenue which are both classified as arterial streets. Community-Scale Businesses are recommended on primary arterials and near intersections of primary and secondary arterials.
2. The proposed GR, General Retail zoning is consistent with the depth of adjacent commercial zoning and uses that front along Republic Street.
3. Approval of this application will facilitate redevelopment of these properties and promote infill development and increased intensity where investments have already been made in public services and infrastructure.
4. Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a

sustainable manner; Objective 4a, Increase density in activity centers and transit corridors.

Submitted by:



Daniel Neal, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission January 7, 2016

Z-37-2015

2716 & 2736 West Republic St and 4229 South Scenic Ave.

Applicant: St. Thomas the Apostle Orthodox Church

Mr. Hosmer stated that this is a request to rezone approximately 1.88 acres of property generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue from a County R-1, Suburban Residence District to a GR, General Retail District. These properties were initiated for annexation by City Council on November 23rd and a public hearing is set for January 11th.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Low-Density Housing; however these properties are located at the intersection of two arterial streets. The property is located along Republic Street which is classified as a primary arterial roadway and Scenic Avenue which is classified as a secondary arterial.

This area is also located near a Community Activity Center at James River Freeway and Kansas Expressway. The Plan recommends these areas be developed with greater intensity. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Geoff Butler, 319 N. Main, there are two applicants, St. Thomas the Apostle Orthodox Church owns the property on the west end and Thomas and Lee Ann Conway own the two houses on the corner. The church does not need this property for their use and would like to sell and recoup what investment they may have in it and the Conway's two houses are not in a great residential area because of the high traffic. We think it would be good application of the zoning process to allow this to be a general retail and continue to the general retail development along the public road.

Mr. Baird closed the public hearing.

Mr. Edwards had a question regarding whether Scenic was a county road beyond Republic.

Mr. Hosmer stated that it goes to the City limits just past . County roads go south of it.

Mr. Edwards asked if there are any plans to improve it in the future and if that would impact this rezoning.

Mr. Hosmer was not sure if the County has any plans and stated that the City has made improvements at the intersection and purchased some right-of-way.

COMMISSION ACTION:

Mr. Doennig motions that we approve Z-37-2015 (2716 & 2736 West Republic St and 4229 South Scenic Ave.). Mr. Cline seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox



Bob Hosmer, AICP
Principal Planner

EXHIBIT B
LEGAL DESCRIPTION
ZONING CASE Z-37-2015

ALL OF LOT NINE (9), MICKEY OWEN SUBDIVISION, EXCEPT THE NORTH ONE HUNDRED FORTY (140) FEET AND EXCEPT THE SOUTH FOUR (4) ACRES, IN GREENE COUNTY, MISSOURI.

ALL OF THE NORTH ONE HUNDRED FORTY (140) FEET OF TRACT NINE (9), IN MICKEY OWEN SUBDIVISION, IN GREENE COUNTY, MISSOURI.

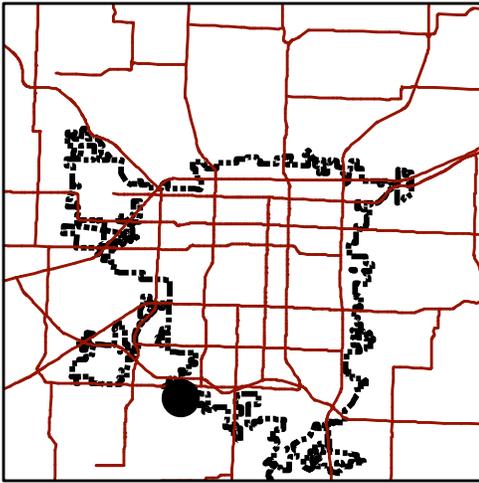
ALL OF LOT ONE (1), FINAL PLAT REPLAT OF PART OF TRACT 10 OF MICKEY OWEN SUBDIVISION AND LOTS 1 AND 2 OF GLENDALE TERRACE 8TH ADDITION, ALL IN GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

Development Review Staff Report

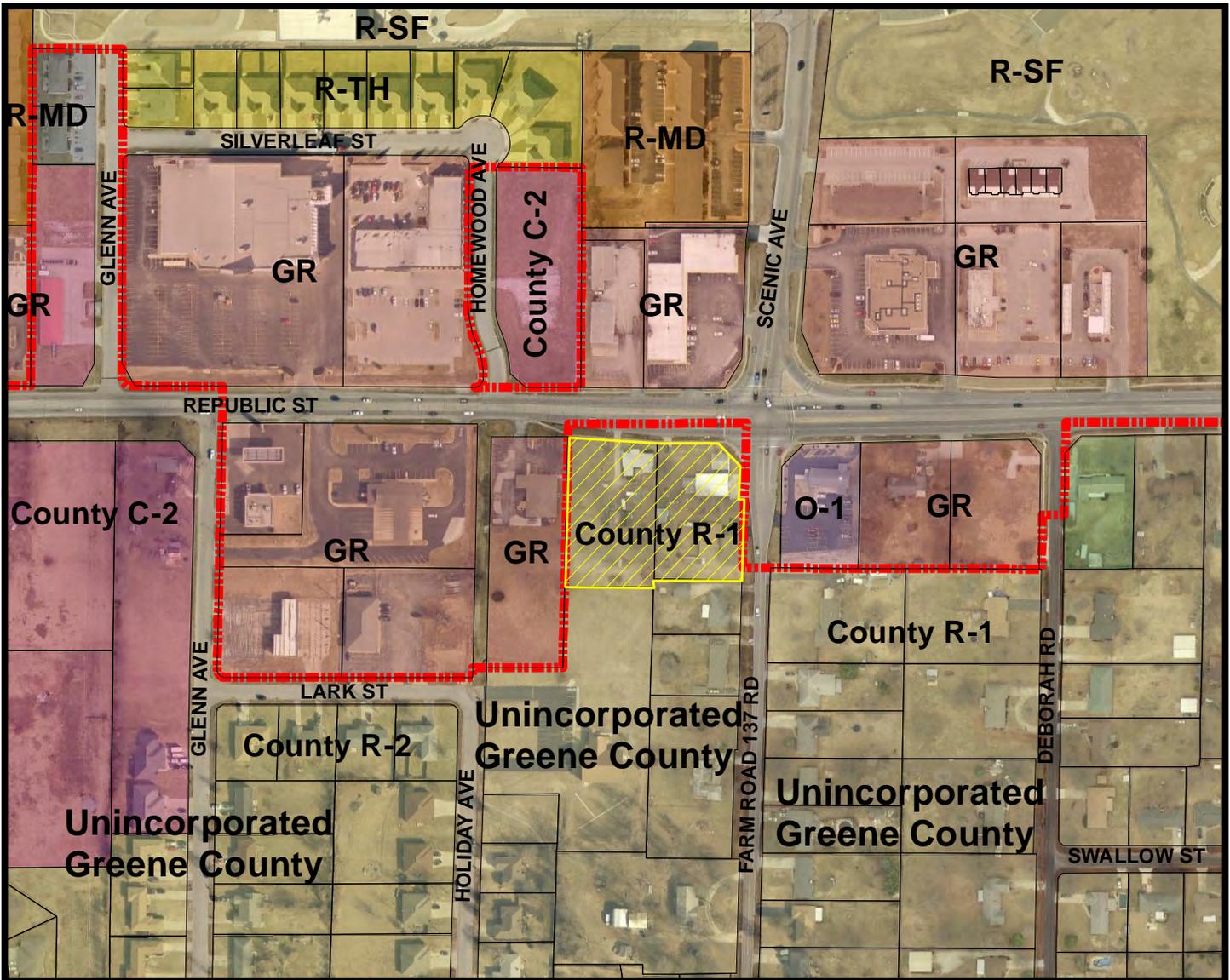
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Z-37-2015

Location: 2716-2736 W. Republic & 4229 S. Scenic Ave.
Current Zoning: County R-1, Suburban Residence District
Proposed Zoning: GR, General Retail District



LOCATION SKETCH



 - Area of Proposal



1 inch = 300 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-37-2015

PURPOSE: To rezone approximately 1.88 acres of property generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue from a County R-1, Suburban Residence District to a GR, General Retail District.

REPORT DATE: December 28, 2015

LOCATION: 2716-2736 W. Republic St. and 4229 S. Scenic Ave.

APPLICANTS: Thomas & Lee Ann Conway, Tom's Lawn Maintenance, LLC and St. Thomas the Apostle Orthodox Church

TRACT SIZE: Approximately 1.88 acres

EXISTING USE: County R-1, Suburban Residence uses

PROPOSED USE: Uses permitted in the GR, General Retail District.

FINDINGS FOR STAFF RECOMMENDATION:

1. This area is located at the intersection of Republic and Scenic, which are both classified as arterial streets. Community-Scale Businesses are recommended on primary arterials and near intersections of primary and secondary arterials.
2. The proposed GR, General Retail zoning is consistent with the depth of adjacent commercial zoning and uses that front along Republic Street.
3. Approval of this application will facilitate redevelopment of these properties and promote infill development and increased intensity where investments have already been made in public services and infrastructure.

RECOMMENDATION:

Staff recommends **approval** of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	GR	General Retail uses
East	O-1	Church
South	County R-1	Single-family residence and Church uses
West	GR	Mercy Clinic

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing; however these properties are located at the intersection of two arterial streets (Republic and Scenic). This area is also located near a Community Activity Center at James River Freeway and Kansas Expressway. The *Plan* recommends these areas be developed with greater intensity.

The *Plan* further recommends commercial areas of different intensities throughout the community. Commercial areas should be sited in areas that are well served by transportation facilities and sited and designed to have a minimal effect on the adjacent lower-intensity development.

STAFF COMMENTS:

1. The applicant is proposing to rezone the subject properties from a County R-1, Suburban Residence District to a GR, General Retail District. The intent of this application is to rezone and combine the subject properties which will facilitate the redevelopment of the site for commercial uses. All three lots and adjacent right-of-way were initiated for annexation by City Council on November 23rd and a public hearing at City Council is set for January 11th.
2. The *Growth Management and Land Use Plan* element of the City's *Comprehensive Plan* designates this area as appropriate for low-density housing, however, these properties are located at a major intersection of two arterial streets (Republic and Scenic). This area is also located near a Community Activity Center at James River Freeway and Kansas Expressway. Community-Scale Businesses are recommended on primary arterials and near intersections of primary and secondary arterials. These land uses should be sited to minimize the effect on the environment and surrounding land uses by providing adequate utilities, storm water management, parking, landscaping and buffering and design practices. The subject property is located along Republic Street which is classified as a primary arterial roadway and Scenic Avenue which is classified as a secondary arterial.

3. A traffic study was not warranted by Public Works Traffic Division since the rezoning from County R-1 to GR on such small lots will not generate a significant amount of additional traffic.
4. Upon development of the property a bufferyard is required along the south property line adjacent to the County R-1 zoning which is comparable to the City's R-SF. The normal bufferyard required between GR and R-SF zoning would be a Bufferyard "Type F"; at least twenty (20) feet wide with a six foot solid wood fence, masonry/brick wall or evergreen hedge. For each one-hundred (100) linear feet of bufferyard, there must be three (3) canopy trees, three (3) understory trees, two (4) evergreen trees and twenty (20) shrubs. If lots are combined as suggested, there will be no narrow or shallow lot exemptions. All structures shall remain below a thirty (30) degree bulk plane as measured from the boundaries of any R-SF district.
5. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting with property owners, residents and any registered neighborhood association within 500 feet of the subject properties on November 16, 2015. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant or their representative on December 17, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 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. Thirteen (13) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

January 25, 2016

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-37-2015

BUILDING DEVELOPMENT SERVICES COMMENTS:

Building Development Services does not have any issues with the proposed zoning classification.

CITY UTILITIES:

City Utilities has no objection to the requested rezoning. The existing structures are served by Ozark Electric Coop.

CLEAN WATER SERVICES COMMENTS:

No objections to rezoning. All three existing lots shown on the uploaded survey have access to public sewer.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

No traffic issues with the proposed zoning request. The requested rezoning will not generate a significant amount of traffic to trigger a traffic study. Please note, sidewalks will be required to be constructed along the property frontage on Scenic at the time of development based on *Section 36-471* of the Zoning Ordinance.

STORMWATER COMMENTS:

There are no stormwater issues with rezoning this property. Please note, however, that development (or re-development) of the property will be subject to the following conditions at the time of development:

1. Any increase in impervious area will require the development to meet current detention and water quality requirements. Existing impervious surfaces currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
2. Payment in lieu of construction of detention facilities is not an option for this site due to existing downstream flooding problems.
3. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.

ATTACHMENT 2: NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: Single Family Residential County to General Retail
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: Monday November 16, 2015 4 pm to 6:30 pm
Chesterfield Family Center Community Room - West Republic Road
3. Meeting Location: _____
4. Number of invitations that were sent: 65
5. How was the mailing list generated: City generated
6. Number of neighbors in attendance (attach a sign-in sheet): none
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of 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:

NA



Architecture
 Engineering
 Planning
 Project Management

YOUR VISION. OUR FOCUS.

October 12, 2015

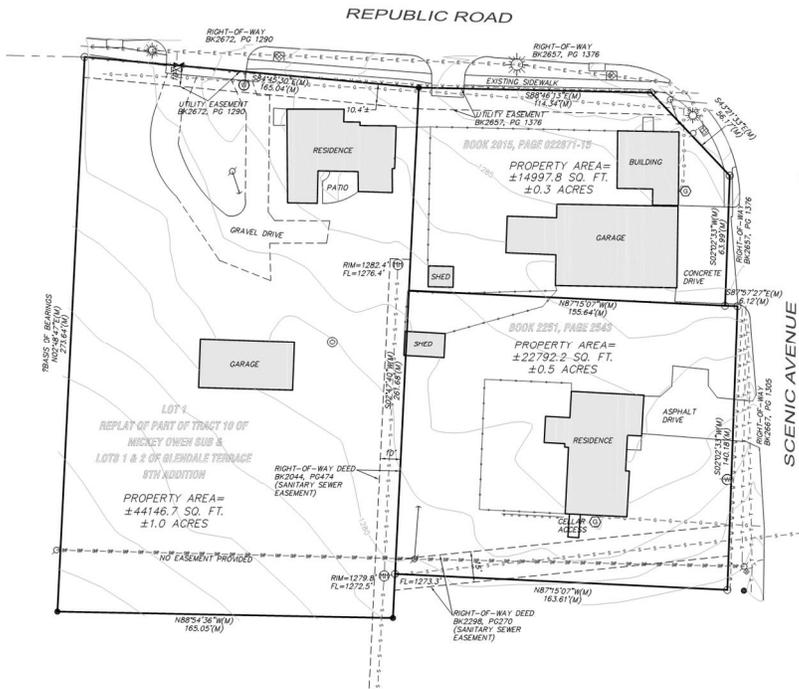
To: Nearby Neighbors of the property Scenic and Republic Road

Re: Proposed Rezoning

Greetings,

I am representing the property owners of the properties at the SW corner of Republic Road and Scenic. There are three lots there which they want to rezone from single family residential to General Retail. Those tracts are also outside the City Limits and they want to annex them into the City as well.

The three lots in question are shown below:



The purpose of this letter is to let you know of the upcoming zoning process and to invite you to a Neighborhood meeting that we are holding on **Monday evening November 16th between 4:00 PM and 6:30 PM.** The meeting will be held at **Chesterfield Family Center, 2511 West Republic Road in the South Community Room.** There will be no formal presentation so you can come by any time during that period and I will be there to answer any questions you might have.

Geoffrey H. Butler, AIA
 Architect & Partner
 Direct Line: 417.521.6106
 Mobile: 417.848.6000
 Email: butler@brpae.com

319 North Main, Suite 200
 Springfield, MO 65806
 Phone: 417.865.6100
 Fax: 417.865.6102
 www.brpae.com

At this time the property owners do not have any plans for the property and they just want to get it in the city and rezoned so that they can sell the property.

If you do not have time to come by please feel free to call me to discuss your concerns. My contact information is at the bottom of the first page of this letter.

Sincerely,

BUTLER, ROSENBURY & PARTNERS, INC.

A handwritten signature in red ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Geoffrey H. Butler, AIA
Architect & Partner

GHB

CC: City of Springfield – Planning and Zoning Commission



Architecture
Engineering
Planning
Project Management

YOUR **VISION.** OUR **FOCUS.**

December 4, 2015

To: Nearby Neighbors of the property Scenic and Republic Road
4229 S Farm Rd 137, 2716 West Republic Road & 2736 West Republic Road

Re: Proposed Rezoning

Greetings,

I am representing the property owners of the properties at the SW corner of Republic Road and Scenic. There are three lots there which they want to rezone from single family residential to General Retail. Those tracts are also outside the City Limits and they want to annex them into the City as well.

The purpose of this letter is to let you know of a change in the schedule. We have had to delay the public hearing at the Planning and Zoning Commission from December 10th to January 7th at 6:30. We had inadvertently failed to include a City provided Notice letter in your last mailing and we need to still do that. You will find that attached hereto.

At this time the property owners do not have any plans for the property and they just want to get it in the city and rezoned so that they can sell the property.

Please feel free to call me with any questions you might have.

Sincerely,

BUTLER, ROSENbury & PARTNERS, INC.

A handwritten signature in red ink, appearing to read "Geoffrey H. Butler", is written over the company name.

Geoffrey H. Butler, AIA
Architect & Partner

GHB

CC: City of Springfield – Planning and Zoning Commission

Geoffrey H. Butler, AIA
Architect & Partner
Direct Line: 417.521.6106
Mobile: 417.848.6000
Email: butler@brpae.com

319 North Main, Suite 200
Springfield, MO 65806
Phone: 417.865.6100
Fax: 417.865.6102
www.brpae.com

One-rdg. _____
P. Hrngs. _____
Pgs. 22
Filed: 1-19-16

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 033

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 6.83 acres of property generally located at 1514
3 West Lark Street and 4346 South Kansas Avenue, from Planned
4 Development No. 88, 2nd Amendment and an R-SF, Single Family
5 Residential District, to an O-1, Office District, with a Conditional Overlay
6 District No. 105.
7
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 described on "Exhibit B" of this Ordinance, generally located at 1514 West Lark Street
11 and 4346 South Kansas Avenue from a Planned Development No. 88, 2nd Amendment
12 and a R-SF, Single Family Residential District, to an O-1, Office District with a
13 Conditional Overlay District No. 105; and
14

15 WHEREAS, the owners of all property to be rezoned have petitioned for creation
16 of a Conditional Overlay District in accordance with the provisions of Section 36-407;
17 and
18

19 WHEREAS, following proper notice, a public hearing was held before the
20 Planning and Zoning Commission (Commission), a copy of the Record of Proceedings
21 from said public hearing being attached hereto as "Exhibit A;" and the Commission
22 made its recommendation; and,
23

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

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

30 Section 1 – The property described on "Exhibit B" of this Ordinance be, and the
31 same hereby is, rezoned from Planned Development No. 88, 2nd Amendment and a R-
32 SF, Single Family Residential District, to an O-1, Office District with a Conditional
33 Overlay District No. 105, and the Springfield Land Development Code, Section 36-306

34 thereof, Zoning Maps, is hereby amended, changed and modified accordingly.

35
36 Section 2 – The property described by "Exhibit B" of this ordinance will be subject
37 to Conditional Overlay District No. 105, which is attached hereto as "Exhibit C-
38 Attachment 1" and incorporated herein as if copied verbatim, and the requirements of
39 O-1, Office District will be modified by said Conditional Overlay District for development
40 within this property.

41
42 Section 3 – This ordinance shall be in full force and effect from and after its
43 passage. The City Council finds that the sections contained in this ordinance are an
44 integral part of the decision to rezone the property; and, if for any reason any section of
45 this ordinance is found to be null and void, the whole ordinance shall be considered null
46 and void.

47
48 Section 4 – City Council hereby directs the City Manager, or his designee, to
49 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
50 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
51 for in the Springfield Land Development Code, Section 36-306, Official Zoning Map and
52 Rules of Interpretation.

53
54 Section 5 – The Official Zoning Map herein adopted shall be maintained and
55 archived in the same digital form in which the Council has approved its adoption.

56
57 Section 6 – This ordinance shall be in full force and effect from and after
58 passage.

59
60 Passed at meeting: _____

61
62 _____
63 Mayor

64
65 Attest: _____, City Clerk

66
67 Filed as Ordinance: _____

68
69 Approved as to form: Richard T. Weder, City Attorney

70
71 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 033

FILED: 01-19-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 6.83 acres of property generally located at 1514 West Lark Street and 4346 South Kansas Avenue from a Planned Development 88, 2nd Amendment and a R-SF, Single Family Residential District to a O-1, Office District with a Conditional Overlay District No. 105 (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-1-2016/CONDITIONAL OVERLAY DISTRICT NO. 105

The applicant is proposing to rezone the subject property from a Planned Development 88, 2nd Amendment and a R-SF, Single Family Residential District to a O-1, Office District with a Conditional Overlay District No. 105 to limit the permitted uses to nursing and retirement homes.

The Growth Management and Land Use Plan Element of the Comprehensive Plan identify this area as appropriate for Low Density Residential Housing. However, there is an existing nursing and retirement home on the northern portion of the subject property.

Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a sustainable manner; Objectives 4a, Increase density in activity centers and transit corridors; and 4b, Increase mixed-use development areas.

REMARKS: The Planning and Zoning Commission held a public hearing on January 7, 2016, and recommended approval, by a vote of 5 to 0, of the proposed zoning on the tract of land described on the attached sheet (see "Exhibit A," Record of Proceedings).

The Planning and Development staff recommends the application be approved (see "Exhibit C," Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located along South Kansas Avenue which is classified as a collector roadway and West Lark Street which is classified as a local street roadway. There is an existing nursing and retirement home on the northern portion of the subject property at Kansas Avenue and Lark Street.
2. Approval of this application will facilitate development of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure. The proposed O-1,

Office District zoning will allow for the existing nursing and retirement home on the northern tract to expand into the southern tract as one development.

3. The standard development requirements in the O-1, Office District along with those required as part of proposed Conditional Overlay District No. 105 are adequate for mitigating any potential impacts of development of this property on the adjacent residential properties.

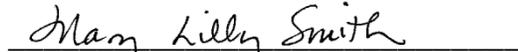
Submitted by:



Bob Hosmer, AICP, Principal Planner

Recommended by:

Approved by:


Mary Lilly Smith, Director
Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

Attachment 3: Conditional Overlay District No. 105 provisions

EXHIBIT A

RECORD OF PROCEEDINGS Planning and Zoning Commission January 7, 2016

Z-1-2016 w/COD #105
1514 West Lark Street and 4346 South Kansas Avenue
Applicant: R.H. Montgomery Properties, Inc.

Mr. Hosmer stated that this is a request to rezone approximately 6.83 acres of property generally located at 1514 West Lark Street and 4346 South Kansas Avenue from a Planned Development 88, 2nd Amendment and a R-SF, Single Family Residential District to a O-1, Office District with a Conditional Overlay District No. 105.

The Growth Management and Land Use Plan Element of the Comprehensive Plan identify this area as appropriate for Low Density Residential Housing. However, there is an existing nursing and retirement home on the northern portion of the subject property approved by PD 88. The subject property is located along South Kansas Avenue which is classified as a collector roadway and West Lark Street which is classified as a local street roadway. The proposed O-1 zoning will allow for the existing nursing and retirement home on the northern tract to expand into the southern tract as one development. The normal buffer yard required between O-1 and R-SF zoning would be a Buffer yard "Type C" of at least fifteen (15) feet wide (no fence). There will be a sewer trunk line connection fee. There are no stormwater issues. Conditional Overlay District will require: A traffic study shall be provided at the time of development which shall be based on the actual use of the property. Kansas Avenue is classified as a collector roadway which requires 20 feet of right of way from the centerline of the street for a total of 40 feet of right of way. There appears to be an additional 10 feet required. Limit uses to a retirement and nursing home uses. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Neal Slattey, 915 E. Ash Street; Columbia, MO stated the office rezoning is restricted everything and only limiting it to the existing nursing home use. On concerns regarding traffic and storm water this is for elderly people and the overall traffic projections are about 160 cars per days, as far as storm water design it will be in accordance to the City of Springfield's standards. The natural pattern of the drainage is in the southeast corner of the project and we will design and install an extended retention basin, all the stormwater run off from the southern half of the existing building and route as much as possible to the retention basin. The release rate of the water leaving the site will be as if no new development had occurred, it will be designed large enough to handle from the 1 to 100 year storm. There will be additional 85 parking spaces to the south of the facility. With regards to the landscaping, there will be berms along Kansas Avenue.

Mr. Paul McCune, 4615 S. Kansas Avenue, no problems regarding the proposal and our property lies at the junction of the east and west forks of Workman Branch and have seen a huge increase of stormwater runoff. In 2001 we had to raise our house 8' because of the stormwater and wanted to know if there will be additional detention from the present facility that will be held back as result of the new development.

Mr. Edwards thanked Mr. McCune for adding the concern regarding stormwater. There is a problem in this community with regards to stormwater.

Mr. McClune stated that they live in the county, but most of the stormwater is from the city.

Mr. Baird requested Mr. Slattey to discuss further stormwater issues.

Mr. Slattey stated that the during the neighborhood meeting that stormwater was a common concern and at the existing building is discharging to the detention basin over at Quail Creek and will look to see if more runoff can be intercepted. On the design of the southern half there should be 80 to 90% coverage of everything coming off of the

southern area. The detention structure will be designed to control all of the runoff of the southern 3.2 acres and the owners will maintain it. Maintenance agreements will be established between the owner and the city specifying the responsibilities.

COMMISSION ACTION:

Mr. Doennig motions that we approve Z-1-2016 w/COD #105 (1514 West Lark Street and 4346 South Kansas Avenue). Mr. Edwards seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox

A handwritten signature in black ink, appearing to read "Bob Hosmer", is enclosed in a thin black rectangular border. The signature is fluid and cursive.

Bob Hosmer, AICP
Principal Planner

EXHIBIT B
LEGAL DESCRIPTION
ZONING CASE Z-1-2016 & CONDITIONAL OVERLAY DISTRICT NO. 105

NORTH TRACT, 3.631 ACRES

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION FOURTEEN (14), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-TWO (22) WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF LOT THREE (3), OF THE FINAL PLAT OF QUAIL CREEK COMMERCIAL – PHASE II, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI ACCORDING TO THE PLAT FILED FOR RECORD IN PLAT BOOK SS, PAGE 44, AND ALSO DESCRIBED IN DEED BOOK 3016, PAGE 2156, AS RECORDED IN THE RECORDS OF GREENE COUNTY, SUBJECT TO THE RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

SOUTH TRACT, 3.182 ACRES

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION FOURTEEN (14), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-TWO (22) WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND ALSO DESCRIBED IN DEED BOOK 2007, PAGE 060629-0714 AS RECORDED IN THE RECORDS OF GREENE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT THREE (3) OF THE FINAL PLAT OF QUAIL CREEK COMMERCIAL – PHASE II, THENCE SOUTH 1° 53' 48" WEST, 335.02 FEET; THENCE NORTH 88° 59' 32" WEST, 412.10 FEET TO THE RELOCATED EAST RIGHT-OF-WAY LINE OF KANSAS AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 1° 54' 24" EAST, 337.72 FEET; THENCE SOUTH 88° 37' 00" EAST, 5.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT THREE (3); THENCE CONTINUING ALONG THE SOUTH LINE OF SAID LOT THREE (3), SOUTH 88° 37' 00" EAST, 407.01 FEET TO THE POINT OF BEGINNING.

TOTAL COMBINED AREA OF ABOVE TRACTS CONTAINING 6.813 ACRES MORE LESS, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

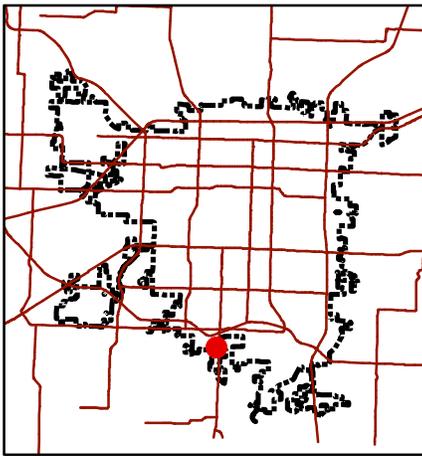
Development Review Staff Report

Department of Planning & Development - 417-864-1031
840 Boonville - Springfield, Missouri 65802

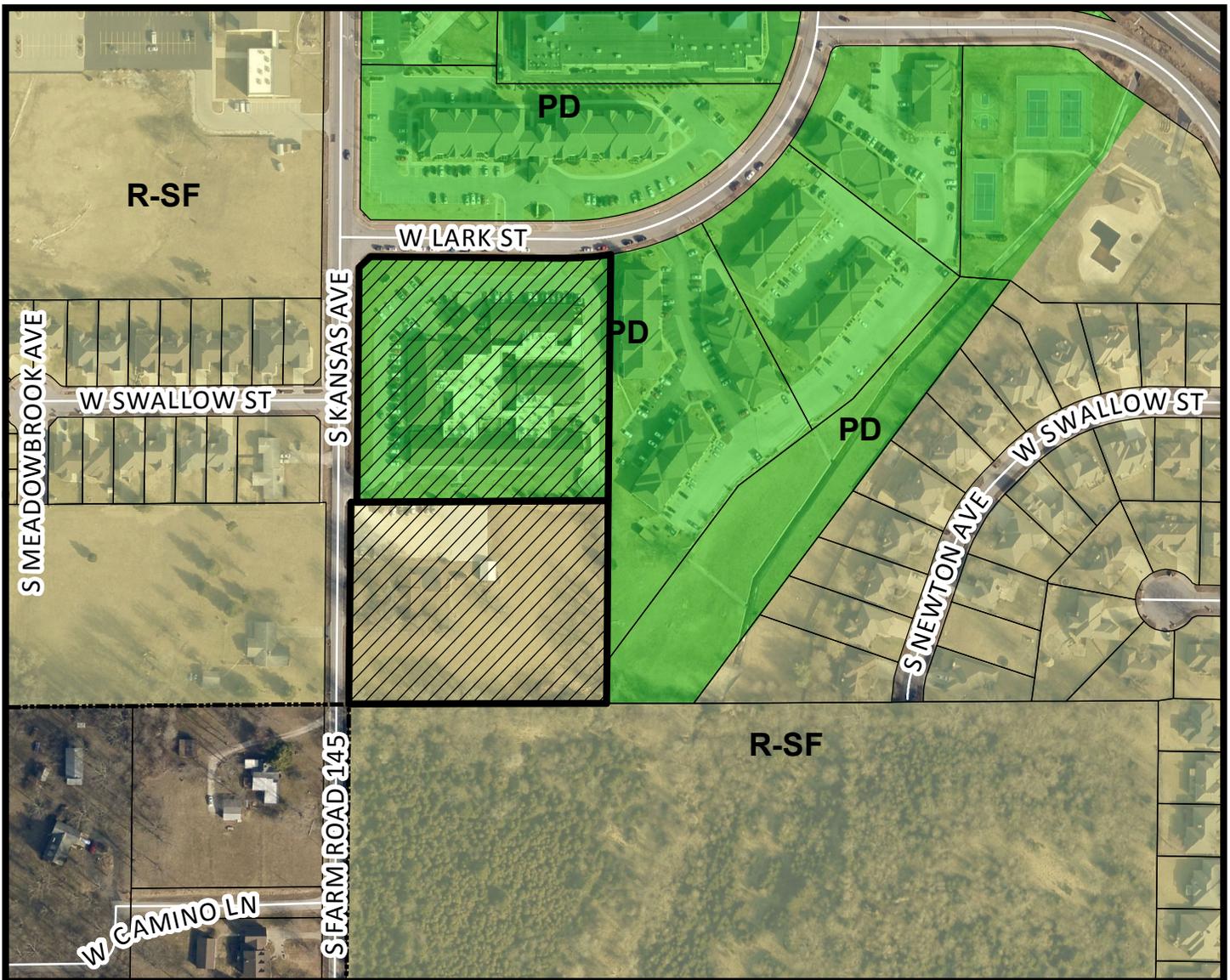
Z-1-2016 Conditional Overlay District 105

LOCATION: 1514 West Lark and 4346 South Kansas Ave
CURRENT ZONING: R-SF Single Family Residential and
Planned Development 88 2nd Amd

PROPOSED ZONING: O-1, Office District with a Conditional
Overlay District No. 105



LOCATION SKETCH



- Area of Proposal



1 inch = 262.650014 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-1-2016 & CONDITIONAL OVERLAY DISTRICT NO. 105

PURPOSE: To rezone approximately 6.83 acres of property generally located at 1514 West Lark Street and 4346 South Kansas Avenue from a Planned Development 88, 2nd Amendment and a R-SF, Single Family Residential District to a O-1, Office District with a Conditional Overlay District No. 105

REPORT DATE: December 18, 2015

LOCATION: 1514 West Lark Street and 4346 South Kansas Ave.

APPLICANT: R.H. Montgomery Properties, INC.

TRACT SIZE: Approximately 6.83 acres

EXISTING USE: Existing nursing and retirement home and vacant house

PROPOSED USE: Nursing and retirement home uses

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for Low Density Residential Housing. However, there is an existing nursing and retirement home on the northern portion of the subject property
2. The subject property is located along South Kansas Avenue which is classified as a collector roadway and West Lark Street which is classified as a local street roadway. There is an existing nursing and retirement home on the northern portion of the subject property at Kansas Avenue and Lark Street. The proposed O-1 zoning will allow for the existing nursing and retirement home on the northern tract to expand into the southern tract as one development.
3. Approval of this application will facilitate development of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure.
4. The standard development requirements in the O-1, Office District along with those required as part of proposed Conditional Overlay District No. 105 are adequate for mitigating any potential impacts of the development of this property on the adjacent residential properties.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	PD 88 3rd Amd	Retirement home
East	PD 88 2nd Amd	Apartments
South	R-SF	Undeveloped single family property
West	R-SF	Single family homes

HISTORY:

The subject property at the corner of Lark Street and Kansas Avenue was zoned to a Planned Development District No. 88 2nd Amendment on October 28, 1996. The southern tract along Kansas Ave. was zoned to a R-SF, Single Family District on March 7, 1995.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for Low Density Residential Housing. However, there is an existing nursing and retirement home on the northern portion of the subject property.

STAFF COMMENTS:

1. The applicant is requesting to rezone the subject property from a Planned Development 88 2nd Amendment and R-SF to an O-1, Office District with a Conditional Overlay District limiting the uses to a retirement and nursing home and requiring a traffic study at the time of development. If the results of the traffic study determine that improvements are required, then they must be constructed prior to building permits being issued for the property.
2. If the rezoning is approved, it would have to comply with *Section 36-400, Office District*, in the Zoning Ordinance and any other applicable city codes. All activities and permitted uses except off-street parking and loading facilities, drive-thru facilities and day care activities shall be conducted entirely within a completely enclosed building.
3. Upon development of the property a bufferyard is required along the south property line adjacent to the Single Family Residential District. The normal bufferyard required between O-1 and R-SF zoning would be a Bufferyard "Type C" of at least fifteen (15) feet wide. The minimum fifteen (15) foot wide bufferyard with plantings for each one-hundred (100) linear feet of bufferyard

would be one (1) canopy tree, two (2) understory tree, two (2) evergreen trees and ten (10) shrubs.

4. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on December 16, 2015 regarding the rezoning request. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 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. Eight (8) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

January 11, 2016

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Principal Planner
864-1834

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-1-2016 & CONDITIONAL OVERLAY DISTRICT NO. 105

BUILDING DEVELOPMENT SERVICES COMMENTS:

1. Building Development Services does not have any objections to this request.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The conditional overlay needs to state the following;

1. A Traffic Study will be required based on actual use at the time of development.
2. Kansas Avenue is classified as a collector which requires 20 feet of right of way from the centerline. An additional 10 feet is required.

As an FYI, a sidewalk is required to be constructed along the property frontage at the time of development.

STORMWATER COMMENTS:

There are no stormwater issues with rezoning this property. Please note, however, that development (or re-development) of the property will be subject to the following conditions at the time of development:

1. Current detention and water quality requirements must be met for any increase in impervious area. These improvements must be constructed, inspected, approved and operational prior to issuance of a building permit or final plat.
2. Public improvement plans will be required for stormwater improvements on the adjacent lot to the east. These improvements must be constructed, inspected, approved and operational prior to issuance of a building permit or final plat.
3. Since the existing detention basin was not sized for the additional runoff from the proposed detention basin, I suggest relocating the outlet pipe/rip-rap to the existing common area so no new drainage easement is needed and discharge immediately south of the existing detention basin. Please note, it appears that the existing detention basin outlet is eroding the ground immediately downstream and the erosion will need to be corrected.

CLEAN WATER SERVICES COMMENTS:

1. No objection to rezoning however the existing tract to the south, covered by AS6235, does not have direct access to sewer.
2. Review Plan - Sheet 2 shows an 8 inch offsite sewer extension. This will require public improvement plans be submitted for review and approval. The public improvements will have to be approved and constructed or escrowed before a building permit can be issued. If interested in escrow, submit the Request for Escrow available on the Developers Resources website.

3. There is a trunkline connection fee of \$0.004 per square foot required when the engineering and inspection fees are paid for the public improvements.
4. There may be an additional sewer impact permit fee required if adding an additional water meter or increasing the size of the existing meter.
5. Submit proposed flow rates to check for adequate sewer capacity.

CITY UTILITIES:

No objection to rezoning. A water main will have to be extended to provide service unless the new facility will be sub-fed from the existing building.

ATTACHMENT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-1-2016 & CONDITIONAL OVERLAY DISTRICT NO. 105

The requirements of Section 36-400 of the Springfield Zoning Ordinance shall be modified herein for development within this district.

Permitted Uses-

Accessory uses as permitted in the Zoning Ordinance

Nursing and retirement homes

Design Requirements- The following improvements are necessary to accommodate the proposed development of this property:

A traffic study shall be provided at the time of development which shall be based on the actual use of the property.

Kansas Avenue is classified as a collector roadway which requires 20 feet of right of way from the centerline of the street for a total of 40 feet of right of way. There appears to be an additional 10 feet required.



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*****Neighborhood Meeting*****

December 2, 2015

RE: Rezoning of property at 1514 W. Lark St. (The Neighborhoods at Quail Creek)

Attention Neighbors,

We will be hosting a neighborhood meeting to answer any questions pertaining to the proposed rezoning request by the property owner of The Neighborhoods at Quail Creek.

We ask that anyone with any questions or concerns to attend this meeting in order to address those items before the Planning & Zoning Commission Meeting.

The neighborhood meeting is scheduled at The Neighborhoods at Quail Creek on Wednesday, December 16th from 4:00 – 6:00 pm. Please enter the main entrance of the facility off Lark Street and a receptionist will be there to guide you to the meeting room.

If there are any questions, please call our office (573) 442-5188. We look forward to seeing you at this meeting to describe the purpose of this proposed rezoning request.

Americare Systems, Inc.
Project Development
915 E. Ash St.
Columbia, Mo. 65201
Ph: 573-442-5188
Fx: 573-442-5277



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THE NEIGHBORHOODS AT QUAIL CREEK
NEIGHBORHOOD MEETING
Wednesday, December 16, 2015

NAME	ADDRESS	PHONE NUMBER
June Porter	1609 W. Swallow St.	417) 883-6522
Roseanne Posson	1618 W. Swallow St	417) 887-6306
Garry + Penny Glossip	4349 S. Kansas Ave	417-860-7426
BOB SAMUELS	4462 S. Quail Cr. Ave.	417 839 6646
JOHN BARBER	4656 S. Woodpointe Ave	417-353-5131
Paula Quinn	1219 W Swallow	505 258 2267
DEE HOUSER	4506 S QUAIL CREEK 65810	417-425-3468
BILL HOUSER	4506 S QUAIL CREEK 65810	417.300.3880
JOHN F BROWN	1669 W CAMINO SW 65810	417 882-1666
Jeff Young	4413 S. Farm Road 145	417-848-8588

185-FOOT LIST

	OWN1	Own_Addr	CITYNAME	STATECODI	ZIP1
1	ALEXANDER FAMILY TRUST (4/17/01)	1746 W RIVERFORK DR	NIXA	MO	65714
2	BUSSEY, LEWIS E TR ETAL	3384 W 33RD AVE	DENVER	CO	80211
3	DESKIN, HOWARD A TRUSTEE	1605 W SWALLOW ST	SPRINGFIELD	MO	65810
4	GLOSSIP FAMILY TRUST	4349 S KANSAS AVE	SPRINGFIELD	MO	65810
5	PORTER, NEIL F	1609 W SWALLOW ST	SPRINGFIELD	MO	65810
6	PRUDE, KELLY S	4365 S NEWTON AVE	SPRINGFIELD	MO	65810
7	QUAIL CREEK PROP OWNERS ASSOC	4205 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
x/A	R H MONTGOMERY PROP INC	214 N SCOTT ST	SIKESTON	MO	63801
8	ROWDEN PROP MGT LLC	2025 E CHESTNUT EXPY	SPRINGFIELD	MO	65802
9	SOUTHLAND CHRISTIAN CHURCH	1630 W REPUBLIC RD	SPRINGFIELD	MO	65807
10	STERLING QUAIL CREEK LLC	1711 S GOLD DR	FARGO	ND	58103
11	VILLAS AT QUAIL CREEK LP	1730 E REPUBLIC RD	SPRINGFIELD	MO	65804
12	WALKER, CHRISTOPHER C	1615 W SWALLOW ST	SPRINGFIELD	MO	65810
13	YOUNG, JEFFREY M	PO BOX 14096	SPRINGFIELD	MO	65814

COMMISSION & COUNCIL MAILING LIST
2 SETS OF STAMPED ENVELOPES

NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: SF Single Family to O-1 w/Conditional Overlay
(existing zoning) (proposed zoning)

2. Meeting Date & Time: December 16, 2015, 4:00 - 6:30 pm

3. Meeting Location: The Neighborhoods at Quail Creek

4. Number of invitations that were sent: 45

5. How was the mailing list generated: CITY STAFF

6. Number of neighbors in attendance (attach a sign-in sheet): 11

7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

"SEE ATTACHED"

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

"NONE RECEIVED"



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THE NEIGHBORHOODS AT QUAIL CREEK
NEIGHBORHOOD MEETING
Wednesday, December 16, 2015

- Answers in Red

Note : The proposed project was presented on a Theater screen displaying a Power Point presentation and renderings of the building elevations and overall site layout on foam display boards.

1) Where is the south property line of the overall property.

Response: Utilizing the aerial images from the Green County website and google the location of the south line was explained to be along the existing tree line of the southern 3.18 acre un-developed tract.

2) Comment about the speed that the traffic sometimes drives along Kansas Avenue. They mentioned that they have seen people going in excess of 45 mph, especially after the intersection with Lark Street and leaving the city limits.

Response: It was explained that both Kansas Avenue and Lark Street are classified as Collector Streets intended handle a slightly higher level of traffic. I indicated that I would check on the posted speeds on both streets and mentioned that it "may" be around 35 mph. After researching this after the meeting it was observed that Lark Street is posted at 25 mph immediately in front of the Quail Creek facility and 30 mph on Kansas Avenue around 330 feet south of the property outside the city limits. Since this un-related to the proposed project itself, I indicated that I would share their feedback with the appropriate individuals on the city staff.

3) What traffic impacts are anticipated with the proposed expansion?

Response: The scope of the project was described as follows:
Existing facility has ~ 70 units (120 beds) of which none will drive
Existing Employees ~ 60 day shift 6:30 am – 2:30 pm
~ 35 evening shift 2:30 pm – 10:30 pm
~ 15 evening shift 10:30 pm – 6:30 am

Typical daily visitors ~ 30 visitors/day

Total daily trips ~ 140 trips per day spread out over the 3 shifts

Proposed building Addition is for 18 residential rooms adding maybe 15 to 20 employees spread over the 3 shifts.

~ Adding maybe 5 visitors/day

Total daily trips after project completion = 140+25=165 trip/day spread out over 3 shifts with the peak times being around 6 to 6:30 in the morning and 2:30 to 3:00 in the afternoon.

-As a comparison this would be equivalent to roughly 16 residential homes where for traffic purposes 10 trips/day per household is often used.

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This facility would be considered something that generates a relatively small amount of traffic onto the adjacent roads when compared to some of the other uses nearby.

- 4) A comment was made on regarding the difficulty on getting access onto Republic Street from Kansas Avenue. Several Individuals in the crowd felt a traffic light was needed at that location. It was mentioned by two attendees that they had contacted the city previously about pursuing that option.

Response: Like the previous comment on the driving speed, I indicated that I would share their feedback with the appropriate individuals on the city staff.

- 5) A gentleman from what sounded like a significant distance south of the project and downstream in the watershed indicated that he personally has experienced some flooding issues in the past. He asked how the stormwater was going to be addressed.

Response: Referring to a colored exhibit on the screen I pointed out a proposed Stormwater Detention Basin that would be installed near the southeast corner of the property where the current stormwater runoff is headed currently. We indicated that the future phase and improvements will be designed to match the current terrain and following the same natural point of discharge. We will design the proposed improvements so that the almost everything from the southern face of the existing building will be routed to the proposed detention basin. The basin will be designed that it will detain the runoff so the water being released from the basin will not exceed pre-development flows. In addition the basin will provide water quality benefits as well. It was indicated that the design of the proposed basin along with all other proposed stormwater measures proposed for the project will be in accordance with the current Stormwater Regulations for the City of Springfield.

- 6) Who will maintain the Stormwater Structure?

Response: It was indicated that this detention basin is to be built on the Neighborhoods at Quail Creek's property and is intended to control the runoff from this site alone. That would mean the owner of this facility would be responsible for maintaining it. It was also indicated that recorded maintenance agreements would be completed to reflect this. To reassure him that the maintenance would occur I referred him to how the overall facility has been maintained over the last 10 years as an example that the owner & facility staff understand the importance of keeping everything on the property in good condition. If at any time, they observed something on the site or at the basin that caused concern or that needed to be addressed to please contact our office directly.

- 7) How is determined to size the stormwater detention basin to ensure that it is designed large enough to keep post-development flows leaving the site so that they do not exceed the pre-development flows?

Response: It was explained for this site a comparison will be made between the amount of existing impervious surface/turf on the site before development versus the amount of

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impervious surface/turf after development. These values develop a runoff coefficient that will be used to determine the amount of runoff as it exists before development and then what it will be after development. The runoff comparisons will be evaluated from the smaller storm events all the way to the larger 100-year storm.

The quick example was given that if the runoff amount was evaluated to be ~ 10 cfs before development and ~20 cfs after development the stormwater basin would be designed to store the difference and release it at or less than the 10 cfs amount. Once again, it was indicated that the design of the proposed basin along with all other proposed stormwater measures proposed for the project will be in accordance with the current Stormwater Regulations for the City of Springfield. And the necessary information would be supplied to the city staff for review and approval.

8) Project Scope?

Response: The project scope was given during the overall presentation but was repeated during the question and answer session. The proposed project consists of adding a two-story building addition to the south on the 3.18 un-developed tract.

The upper level will be 12,072 sf consisting of 18 residential rooms, living rooms, dining rooms, kitchen, spa, etc.

The lower level will be an 6569 sf Rehab area, with Hydro Pool, walking track, exercise stations, offices, etc.

9) Proposed Uses?

Response : Like the previous question, it was explained that the reason for the proposed zoning change to O-1 with the Conditional Overlay is that the northern 3.63 acre tract was already zoned to allow the Skilled Nursing use but the southern 3.18 acre tract was zoned R-SF. The proposed addition would extend into the southern tract. Because of this we were following the recommendation to rezone the entire 6.18 acre tract to the O-1 district which allows the Nursing and Retirement Homes. We displayed all the permitted uses allowed in O-1 district and emphasized that we were only asking for the permitted uses associated with the Nursing and retirement homes and restricting all others shown on the list.

10) Project Schedule?

Response: We described that our goal was to complete the rezoning process, plan review process with the intent of starting construction around May/June of 2016.

The length of Construction should be around 12 to 15 months with an approximate completion date of late summer 2017.

11) It was mentioned that the Veterans Administration was considering a location relatively close to the Kansas Avenue/ Republic Street location as one of several possible options.

Response: It was mentioned that the V.A.'s tentative plans would not impact Americare's decision to expand their facility.

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- 12) A neighbor to the west of Kansas Avenue asked to describe the extent of the improvements on the tract to the south and the location of the proposed entrance.

Response: Referring to a colored exhibit on the Theater screen it was pointed out that the proposed building addition and parking lot would extend to approximately the half way point of the existing house. The proposed entrance would be very close to the northern side of existing "loop" entrance to the house.

In addition, that after the proposed improvements were completed it would leave roughly 1.5 acres that would remain as open space.

- After the meeting the impression was that those in attendance were supportive of the proposed improvements presented to them for the Neighborhoods at Quail Creek.

The comments related to the driving speed on Kansas Avenue and the difficulty of accessing Republic Street from Kansas Avenue are beyond the scope of this project. This project should not have any significant impact to those two issues. They are being included to help make the appropriate city staff aware of the these issues in behalf of those neighbors who attended this meeting.

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One-rdg. _____
P. Hrngs. _____
Pgs. _____
Filed: 01-19-16

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 034

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 0.81 acres of property, generally located at 608,
3 614, and 618 West Mount Vernon Street, from R-SF, Single-Family
4 Residential District, to R-LD, Low-Density Multi-Family Residential District;
5 establishing Conditional Overlay District No. 103; and adopting an
6 updated Official Zoning Map. (Staff, and Planning and Zoning Commission
7 recommend approval.)
8
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 described in "Exhibit B" of this Ordinance, generally located at 608, 614, and 618 West
12 Mount Vernon Street, from R-SF, Single-Family Residential, to R-LD, Low-Density
13 Multi-Family Residential District, and establishing Conditional Overlay District No. 103;
14 and
15

16 WHEREAS, the owners of all the property to be rezoned have petitioned for the
17 creation of a Conditional Overlay District in accordance with the provisions of Section
18 36-407 the Land Development Code (Zoning Ordinance); and
19

20 WHEREAS, following proper notice, a public hearing was held before the
21 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
22 hearing being attached hereto as "Exhibit A"; and said Commission made its
23 recommendation; and
24

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

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

31 Section 1 – The property described in "Exhibit B" of this Ordinance be, and the
32 same hereby is, rezoned from R-SF, Single-Family Residential, or such zoning district
33 as is designated on the Official Zoning Map adopted by the City Council, to R-LD, Low-

34 Density Multi-Family Residential District, and establishing Conditional Overlay District
35 No. 103; and the Springfield Land Development Code, Section 36-306 thereof, Zoning
36 Maps, is hereby amended, changed and modified accordingly.

37
38 Section 2 – The property described by "Exhibit B" of this ordinance will be subject
39 to Conditional Overlay District No. 103, which is attached hereto as "Exhibit C" and
40 incorporated herein as if copied verbatim, and the requirements of R-LD, Low-Density
41 Multi-Family District zoning will be modified by said Conditional Overlay District for
42 development within this property.

43
44 Section 3 – The City Council hereby directs the City Manager, or his designee, to
45 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
46 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
47 for in the Springfield Land Development Code, Section 36-306, Official Zoning Maps
48 and Rules of Interpretation.

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

52
53 Section 5 – This ordinance shall be in full force and effect from and after
54 passage.

55
56 Passed at meeting: _____
57
58 _____
59 Mayor

60
61 Attest: _____, City Clerk

62
63 Filed as Ordinance: _____

64
65 Approved as to form: Richard T. Weder, Assistant City Attorney

66
67 Approved for Council action: Greg Burnett, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 034

FILED: 01-19-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.81 acres of property generally located at 608, 614 and 618 West Mount Vernon Street from an R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District; and establishing Conditional Overlay District No. 103.

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-39-2015/CONDITIONAL OVERLAY DISTRICT NO. 103

The applicant is proposing to rezone the subject property from a R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District No. 103. The proposed Conditional Overlay District will restrict the residential density to 11 dwelling units per acre or less and require a combination of all subject properties. A landscaped buffer yard "Type B" at least 15 feet wide is required between any adjacent R-SF District and no portion of a structure shall be higher than forty-five (45) degree bulk plane where the property adjoins a R-SF District.

The Growth Management and Land Use Plan of the Comprehensive Plan designate this area as appropriate for Medium or High Density Housing uses. The plan recommends townhouses and multi-family apartments where there is good traffic access, when located between low-density housing and non-residential land uses, and at high-amenity locations. The Major Thoroughfare Plan classifies Mount Vernon Street as a collector roadway which supports the proposed land use.

REMARKS: The Planning and Zoning Commission held a public hearing on January 7, 2016, and recommended approval, by a vote of 5 to 0, of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings, "Exhibit A").

The Planning and Development staff recommends the application be approved with the requirements of Conditional Overlay District No. 103 (see the attached Development Review Staff Report, "Exhibit C").

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan of the Comprehensive Plan identify this as an appropriate area for Medium or High Density Housing. The requested R-LD, Low-Density Multi-Family Residential zoning is consistent with this recommendation. The Growth Management and Land Use Plan also encourage a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents.

2. Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a sustainable manner; Objective 4a, Increase density in activity centers and transit corridors.
3. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure. The request will change the status of two non-conforming uses and make them conforming.
4. The Major Thoroughfare Plan classifies Mount Vernon Street as a collector roadway which supports the proposed land use.
5. The proposed conditional overlay district will lower the residential density similar to the R-TH, Residential Townhouse District. The R-TH District zoning district allows duplexes. The development requirements in the R-LD District are adequate for mitigating any other potential impacts of the proposed development on the adjoining properties.

Submitted by:

Daniel Neal, Senior Planner

Reviewed by:

Approved by:



Mary Lilly Smith, Director



Greg Burris, City Manager

EXHIBITS:

- Exhibit A, Record of Proceedings
- Exhibit B, Legal Description
- Exhibit C, Development Review Staff Report

ATTACHMENTS:

- Attachment 1, Department Comments
- Attachment 2, Neighborhood Meeting Summary
- Attachment 3, Conditional Overlay District Provisions
- Attachment 4, Neighborhood Correspondence

EXHIBIT A

RECORD OF PROCEEDINGS Planning and Zoning Commission January 7, 2016

Z-39-2015 w/COD #103
608, 614 & 618 West Mt. Vernon Street
Applicant: Mt. Vernon 608, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.81 acres of property generally located at 608, 614 and 618 West Mount Vernon Street from an R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District; and establishing Conditional Overlay District No. 103.

The Growth Management and Land Use Plan of the Comprehensive Plan identify this as an appropriate area for Medium or High Density Housing. The requested R-LD, Low-Density Multi-Family Residential zoning is consistent with this recommendation.

The Major Thoroughfare Plan classifies Mount Vernon Street as a collector roadway which supports the proposed land use.

The history of this property is prior to 1995 these properties were originally zoned as C-3, Commercial District, which allowed for both commercial and all types of residential uses. In 1995 the city wide reclassification rezoned these properties to R-MD, Medium-Density Multi-Family Residential District. In 1998, the West Central Neighborhood Strategic Plan was adopted and identified these properties as appropriate for R-SF, Single Family zoning. In 1998-99, the City rezoned this area to R-SF. In 2001, the City adopted the Growth Management and Land Use Element of the Comprehensive Plan that identified these properties as appropriate for Medium-to High-Density Housing. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Geoff Butler, 319 N. Main, this property was originally zoned C-3, then in 1995 after the reclassification all of the properties in the community had to be remapped because C-3 did not allow residential at all. 618 W. Mt. Vernon is the largest piece and it has a dilapidated single family residence, which is a one bedroom house. All the other rooms that might qualify for a bedroom does not have any windows. It cannot be considered a two or three bedroom home and it has been added onto several times. It needs to be demolished and new construction placed there. Interesting part of the remapping, it was remapped to multi-family and all the property owners in the community had an opportunity to present, but since those properties were multi-family, they were probably fine with it. I do not know what happened to get it rezoned RS-F and if the property owners knew and only the owners can rezone their property and yet it was rezoned to RS-F making two of the properties non-conforming uses, which means if it is destroyed they would have to build a single family home. We are trying to make the two properties conforming and redevelop the third property. We think it is an appropriate use, it is on a collector street and it is a good place for a low density multi-family housing.

Mr. Cline reaffirmed that was being rebuilt, but knocking down the little house and put something there. He asked whether the duplexes are remaining as duplexes.

Mr. Butler said that they are remaining duplexes and have been significantly rehabilitated over the last year since they have been acquired. They haven been gutted and rebuilt and in the past, they were not that nice and all of the problems that the neighborhood had there were from the prior owners, who did not keep the property up. My client, their organization, has a history of buying properties and significantly investing in their area and improving the properties. These two properties on the east side have been significantly invested and they have been redone and with that come a better and more affluent tenant and they can charge more rent because it is a nicer property. That is the goal that we are going to invest in the community and invest in the area and make that something worth while.

Mr. Doennig, in requesting the change to RL-D with the Conditional Overlay District, are you trying to create something of hybrid between the RL-D district and the R-TH district.

Mr. Butler stated that the R-TH only allows one building, a duplex on one lot.

Mr. Doennig asked because of the two duplexes on one lot.

Mr. Butler stated that they have 2 duplexes and R-TH will not be appropriate, because R-TH only allows 11 units per acre, but the only way to get 11 units per acre would be to sub-divide into multiple lots and can't meet the subdivision regulations to do it. We want to put a four-plex in and there is plenty of room for parking so R-TH would be great if were not tied to one lot per building.

Mr. Doennig asked if they wanted to avoid the minor subdivision and do it the way as mentioned.

Mr. Butler stated that they could not do it with a subdivision because they cannot create enough lots to get 11 units an acre and use the R-TH with conditional overlay district to reduce the density to what is appropriate.

Mr. Gene Beauchamp, 3220 W. Meadowlark Circle, has a rental house that touches this area at 614 West Harrison. Approves for this project to go forward, but two concerns. Parking is a problem, fire trucks cannot go down Main Street if a vehicle is parked on the right and the left, it is totally impossible. Wants to make sure that the rental or lease agreement is enforced, because it will enforce the parking. The second item are the civil war artifacts, Mr. James Cox, who belongs to the Civil War Round Table and other organizations. The area is part of the old battle of Springfield, there should be many bullets and other artifacts buried so whoever is digging, they need to be aware of any artifacts. When Hammon's Tower was built, they had to look for civil war artifacts and it is very important. Please observe for anything of artifacts that may be there.

Mr. Baird stated that he would hope that anyone working on the site that they do pay attention, because it is a historical part of the area and the City. Mr. Baird then asked if Mr. Beauchamp was more concerned with people parking on the street or what the specific concern.

Mr. Beauchamp stated that people may stay longer and can't park on Main Street, so they would need to be very careful and enforce the parking by the landlord.

Ms. Kathleen Cowens, 741 S. Market Avenue, and is the president of West Central Neighborhood Alliance. The West Central board voted in favor of retaining the RS-F zoning. Retaining the present zoning is probably the main West Central priority by stabilizing the neighborhood and community by promoting ownership occupant housing. It has been a consistent goal for the West Central Neighborhood for the past 25 years or more and has found many references or policies promoting owner occupied homes. The West Central board is in full support of the wishes of Alan and Patricia Neff as well as many others. They have been long time residents and have changed their corner of the neighborhood and living in a lovely home. West Central has been really working hard at stabilizing the neighborhood. There has been a lot of focus on decreased home ownership and increased crime. With an apartment dwelling, there is an increase of noise, and people coming and going and believe that college students will be the targeted tenants. She also stated that she is aware that the Planning and Zoning commission is consistent with the Comprehensive Plan, the adopted goals, objectives, and policies related to community development. She also stated concerns regarding the future and what might happen to the properties and is not aware of anyone in the neighborhood is supportive of the zoning change or the four unit apartment complex.

Mr. Cline asked when the West Central board vote occurred.

Ms. Cowens stated that it was taken this week via e-mail. Six people said yes, one person abstained, one is out of town and two people did not respond.

Mr. Cline asked if the West Central vote was known to the Planning staff.

Ms. Cowens stated that they did not know of the vote.

Mr. Cline asked about a plan for the neighborhood, is it part of the Comprehensive Plan or something that the West Central neighborhood has put together for itself.

Ms. Cowens said that it would be in conjunction with the City.

Mr. Baird stated that it be a good plan if anytime you could get a group of people together and move in one direction.

Ms. Patricia Neff, 632 W. Mt. Vernon, our home was built in 1895 and has been familiar with this neighborhood for 60+ years. In 1995 I came forward requesting the zoning to be changed to RS-F. Our home at that time was commercial and changed our home from a 3-plex to a single family home. We have been working for the 35 years to restore our Victorian home and the house next door and help promote a better neighborhood. In 1999 when the duplexes were built they were rented to low income person and become a consent crime, a consent noise, disturbance, fighting, and the police were consistently being called. I'm asking that the zoning stay as is so we can rebuild the neighborhood. She also stated that she is concerned with the run off water because if there is a lot of rain, the water flows down the street and gathers on the corner.

Mr. Cline asked if the duplexes would be targeted towards students.

Ms. Neff stated that she thought they would be for students.

Mr. Rose asked how the addresses are divided up.

Mr. Hosmer stated that there are three lots, 608, 614, and 618 W. Mt. Vernon. The parcels are ownership and not subdivision parcels.

Ms. Brandy Roberts, 626 W. Mt. Vernon concerned with more density in the neighborhood and another concern was an incident taken place July 25, 2013 at the duplexes was a shooting. This is a very dense neighborhood, it requires two police squads and we have a lot of crime in the neighborhood and want to keep with single family homes.

Ms. Dixie Decker, 1122 E. Walnut, property owner of the addresses in question. We have spent \$100,000 fixing up the properties to make it a better street and neighborhood. We have several properties in this area and provide parking for each of them and have improved the community and the streets.

Mr. Baird asked if they give thought to the neighborhood while designing or do they just have a plan to as to what is being built.

Ms. Decker stated that the interior design typically does not change and there is a standard operating procedure. On the exterior we try to comply with what the neighborhood already looks like. That is the goal when we start planning.

Mr. Baird also asked if they primarily rent to students.

Ms. Decker stated that there are a lot of students in the area, however most of the time the parents are involved because we charge a higher rental price and that typically brings parents and kids together on the leases.

Mr. David Eslick, 3311 S. Elmira, on the Landmarks Board is in favor and has seen the work the Decker's have done. They have done a very good of matching the architecture on Walnut Street with the neighborhood. The properties that I have seen them redo have significantly improved the neighborhoods.

Ms. Phyllis Netzer, 845 S. Missouri Avenue, does not want to speak, however has filled out one of the forms.

Ms. Terry Knapp, 931 W. Monroe Terrace, a member on the West Central Neighborhood and would not to see the neighborhood being turned into what developers whatever they want to do. The goal of West Central neighborhood is to make it single family homes and this defeats the purpose.

Mr. Cline stated that he is familiar with the neighborhood and knows about the crime in the neighborhood. He asked if Ms. Knapp was aware of criminal property problems of the new owners.

Ms. Knapp replied that she is not aware of any of criminal property problems but stated that she does not want the neighborhood denser and wants to keep the single family home.

Mr. Baird closed the public hearing.

Mr. Baird stated that he usually drives by the neighborhood and does a cursory look. The cursory drive in the area looked like a great place for this development and is a difficult one after reading the public comments.

Mr. Edwards stated the Neighborhood Associations are the key to keeping what we have in the community. This case is not cut and dry and the applicants do own the property and have the rights to petition this council for the zoning change. The zoning change is not out of line with the neighborhood and I plan to support this case, but hope that the landlords will do right by the neighborhood and I believe it will be an improvement.

Mr. Rose, stated he has no trouble supporting the rezoning the lots of the duplexes, however hesitates on the single family house that is on a single family zoned lot. I ultimately support this rezoning because I believe it will be the best outcome for the neighborhood.

Mr. Cline stated that he does not believe that it about concepts of density however more with the kinds of neighbors that lower income people make and more to do with landlords that are not paying attention. I will support this and Butler Rosenbury is good company and is impressed with the owners that spoke. I am troubled by what appears to a blanket assumption that density, renters, poor people equal problems. This is good rezoning and I am voting yes.

Mr. Doennig stated that the decision on 608 & 614 is easy, bringing properties that are compatible to a zoning by its current use. The single family residence is more of a problem as I feel that we really need to work very hard in Springfield to preserve the existing house stock. When looking at the surrounding neighborhood we have RL-D and R-TH zoning all around, I believe that the developer with respect to the conditional overlay district is reasonable and hope they will be something to the neighborhood that will add value and plan to vote yes.

COMMISSION ACTION:

Mr. Edwards motions that we approve Z-39-2015 w/COD #103 (608, 614 & 618 West Mt. Vernon Street). Mr. Rose seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox



Bob Hosmer, AICP
Principal Planner

EXHIBIT B
LEGAL DESCRIPTIONS
ZONING CASE Z-39-2015 & CONDITIONAL OVERLAY DISTRICT NO. 103

608-614 West Mount Vernon:

Beginning at the NorthWest corner of the North one half (N1/2) of the NorthEast Quarter (NE1/4) of the SouthEast Quarter (SE1/4) of Section 23, Township 29, Range 22; thence south twenty (20.0) feet and East 17 poles and 65 ½ feet for a beginning point, thence East 44 feet, thence South 185 feet, thence West 44 feet, thence North 185 feet to the point of beginning.

And

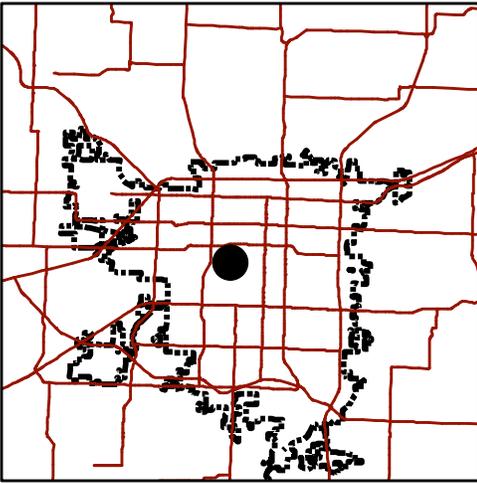
Beginning at a point 294.5 feet east of the SouthEast corner of Grant Avenue and Mount Vernon Street in the City of Springfield, thence east 51.5 feet, thence South 185 feet, thence west 51.5 feet, thence north to the point of beginning, in the City of Springfield, Greene County, Missouri.

618 West Mount Vernon:

Beginning at the NorthWest corner of the North one half (N1/2) of the NorthEast Quarter (NE1/4) of the SouthEast Quarter (SE1/4) of Section 23, Township 29, Range 22; thence south twenty (20.0) feet; thence east twelve (12) rods for a beginning point; thence South eighteen (18) rods; thence east five (5) rods and thirteen (13) feet; thence North eighteen (18) rods; thence west five (5) rods and thirteen (13) feet to the beginning; except the South one hundred and twenty five (125.0) feet all in Springfield, Greene County, Missouri except that part taken, deeded or used for road purposes.

Development Review Staff Report

Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802



Z-39-2015/Conditional Overlay District No. 103

Location: 608, 614 & 618 W. Mount Vernon Street

Current Zoning: R-SF, Single-Family Residential

Proposed Zoning: R-LD, Low-Density Multi-Family Residential
& COD #103

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-39-2015 & CONDITIONAL OVERLAY DISTRICT NO. 103

PURPOSE: To rezone approximately 0.81 acres of property generally located at 608, 614 and 618 West Mount Vernon Street from an R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District; and establishing Conditional Overlay District No. 103.

REPORT DATE: December 30, 2015

LOCATION: 608, 614 and 618 West Mount Vernon Street

APPLICANT: Mount Vernon 608, LLC

TRACT SIZE: Approximately 0.81 acres

EXISTING USES: Two existing legal non-conforming duplexes and a single-family residence

PROPOSED USES: Retain existing duplexes and multi-family residential uses

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this as an appropriate area for Medium or High Density Housing. The requested R-LD, Low-Density Multi-Family Residential zoning is consistent with this recommendation. The Growth Management and Land Use Plan also encourages a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents.
2. Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use Major Goal 4: Develop the community in a sustainable manner. Objective 4a, Increase density in activity centers and transit corridors.
3. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure. The request will change the status of two non-conforming uses and make them conforming. This will provide investment security for improvements on the property.
4. The Major Thoroughfare Plan classifies Mount Vernon Street as a collector roadway which supports the proposed land use.

- The proposed conditional overlay district will lower the residential density similar to the R-TH, Residential Townhouse District. The R-TH District is the least dense zoning district that allows duplexes. The development requirements in the R-LD District are adequate for mitigating any other potential impacts of the proposed development on the adjoining properties.

RECOMMENDATION:

Staff recommends **approval** of this request

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-TH & R-MD	Public School and single-family residence uses
East	R-SF	Duplex and single-family residences
South	R-SF	Single-family residences
West	R-SF	Single-family residence

COMPREHENSIVE PLAN:

- The Growth Management and Land Use Plan of the Comprehensive Plan designates this area as appropriate for Medium or High Density Housing uses. The plan recommends townhouses and all multi-family apartment buildings in this category, which are located where there is good traffic access, located between low-density housing and non-residential land uses, and at high-amenity locations. The Major Thoroughfare Plan classifies Mount Vernon between Grant and Campbell as a collector roadway which supports the proposed land use. The Growth Management and Land Use Plan also encourages a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents.

HISTORY:

- These properties were originally zoned as C-3, Commercial District, prior to the 1995 City-wide reclassification. This district allowed for both commercial and all types of residential uses. The 1995 reclassification rezoned these properties to R-MD, Medium-Density Multi-Family Residential District. In 1998, the West Central Neighborhood Strategic Plan was adopted and identified these properties as appropriate for R-SF zoning. In 1998-99, the City rezoned this area to R-SF. In 2001, the City adopted the Growth Management and Land Use Element of the Comprehensive Plan that identified these properties as appropriate for Medium-to High-Density Housing.

STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from an R-SF, Single-Family Residential District to an R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District No. 103. The proposed Conditional Overlay District (Attachment 3) will restrict the residential density to 11 dwelling units per acre or less. The applicant is also proposing to combine the subject properties at 608, 614 and 618 West Mount Vernon Street. The proposed rezoning to R-LD will make the two existing duplexes conforming uses and allow the property at 618 West Mount Vernon to be redeveloped for higher density. The existing structures at 608 and 614 West Mount Vernon St. were converted to duplexes around 1998, but were being used as 4-plexes before then. The applicant also owns the property at 604 West Mount Vernon which was initially a part of this request but has since been removed from consideration.
2. The R-LD District is intended to accommodate multi-family developments at densities up to approximately eighteen (18) units per acre and is intended to have all vehicular access from a collector or higher classified street without traversing minor streets in adjoining residential neighborhoods. The applicant is requesting a conditional overlay district that will restrict the maximum density to eleven (11) dwelling units per acre. The Multi-Family Location and Design Guidelines are not required for multi-family developments at eleven (11) dwelling units per acre or less. The current R-SF, Single-Family Residential District allows for a maximum residential density of 7 du/ac. The proposed conditional overlay district will restrict the residential density to 11 dwelling units per acre which is similar to the R-TH, Residential Townhouse District. This is a difference of 4 du/ac. While both the R-TH and R-LD Districts allow duplexes, the primary difference is that the R-TH District only allows one duplex per lot while the R-LD allows for multiple duplexes or units on a single lot.
3. If the existing duplexes are not rezoned and brought into a conforming status, then in the event that any building or structure is damaged or destroyed, by any means, to the extent of more than seventy-five (75) percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located.
4. A traffic study was not warranted by Public Works Traffic Division since the rezoning from R-SF to R-LD with COD #103 on such small lots will not generate a significant amount of additional traffic. The Major Thoroughfare Plan classifies Mount Vernon Street as a collector roadway which supports the proposed land use.
5. The property to the east, south and west of the subject property is zoned R-SF, Single Family Residential. The normal bufferyard required between R-LD and R-SF zoning would be a landscaped Bufferyard "Type B" at least 15 feet wide. For

each one-hundred (100) linear feet of bufferyard, there must be one (1) canopy tree, one (1) understory tree, one (1) evergreen trees and six (6) shrubs. There are no required structures (i.e. solid fence, wall or hedge) in Bufferyard "B". The subject property qualifies for narrow and shallow lot exemptions because it is less than 200 feet wide and deep, however, the landscaping and structure requirements for the alternative bufferyard are more restrictive. All structures shall remain below a forty-five (45) degree bulk plane as measured from the boundaries of any R-SF district. The property to the north is zoned R-TH and R-MD, therefore no bufferyards are required across Mount Vernon Street.

6. The standard development requirements in the R-LD District are otherwise adequate for mitigating potential impacts of the multi-family uses on the adjoining single-family residential properties. No portion of a multi-family structure shall be higher than forty-five (45) degree bulk plane where the property adjoins an R-SF District. The standard requirements for noise, lighting, odor and signage will be covered by the Zoning Ordinance.
7. The proposed rezoning was reviewed by City departments and comments are attached (Attachment 1).

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting with property owners, residents and any registered neighborhood association within 500 feet of the subject properties on November 18, 2015. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant or their representative on December 17, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 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. Thirty-one (31) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

January 25, 2016

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-39-2015 & CONDITIONAL OVERLAY DISTRICT NO. 103

BUILDING DEVELOPMENT SERVICES COMMENTS:

1. Building Development Services does not have any issues with R-LD zoning with the COD to reduce the density.

TRAFFIC DIVISION COMMENTS:

1. No traffic issues with the proposed zoning request. The requested rezoning will not generate a significant amount of traffic to trigger a traffic study.

STORMWATER COMMENTS:

1. There are no stormwater issues with rezoning this property. Please note, however, that development (or re-development) of the property will be subject to the following conditions at the time of development.
2. Any increase in impervious area will require the development to meet current detention and water quality requirements. Existing impervious surfaces currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
3. A payment in lieu of construction of detention facilities is not an option for this site due to existing downstream flooding problems.
4. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or drainage easement.

CLEAN WATER SERVICES COMMENTS:

1. No objections to rezoning

CITY UTILITIES:

1. No objection. CU has all facilities available to provide service.

ATTACHMENT 2: NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: **R-SF** to **R-LD with COD (11 units per Acre)**
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: **November 18, 2015 4:00 - 6:30 pm**
3. Meeting Location: **618 W Mt Vernon**
4. Number of invitations that were sent: **190**
5. How was the mailing list generated: **By City**
6. Number of neighbors in attendance (attach a sign-in sheet): **11**
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

See attached

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

See attached

November 18, 2015

Neighborhood Meeting Notes

Rezoning 604, 608, 614, 618 W Mount Vernon

Below is a summary of concerns expressed:

They do not want renters. They want Homeowners. They said that renters don't take care of the properties and in the past let the property run down and then the druggies and prostitutes move in.

Our response: We are investing in the area and improving property values in the area and with that investment comes higher rents and a better more affluent renter. Zoning does not address ownership. It merely addresses whether the tract of land can have one dwelling or more than one. A multifamily residential building could have four or five units in it and all could be owned under a condominium ownership.

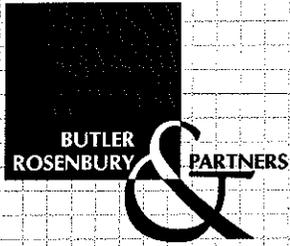
They would prefer that the three existing duplexes be converted to single family homes rather than rezone them to allow multifamily housing which they already are.

Our Response: These are already legal non conforming uses but if they get damaged by a storm or a fire, they could not be rebuilt as anything other than a single family home without the rezoning. This property was zoned C-3 Commercial prior to 1995 when the new zoning went into effect. However, they were remapped as R-SF incorrectly and should have been zoned multifamily at that time. This corrects that mistake.

They are opposed to removing the 618 property (which is an older single family property) from the zoning application so that the others could be properly zoned.

Our Response: We offered to just rezone the three duplexes and they would not consider it. The 618 property is in very poor shape. It is a one bedroom home and the floors sag, the roof leaks and sags and it cannot be renovated to make it a desirable property without spending more money than it is worth. It would never sell or rent in a manner that the investment could be returned.

We could not find any common ground on things which would satisfy them except leaving it all RSF and converting the duplexes to single family homes.



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NEIGHBORHOOD MEETING
 REZONING - 604 - 618 MT VERNON
 NOV 18 2015
 4:00 - 6:30 PM

NAME	ADDRESS	PHONE #
S. David Carr	500 W MT VERNON S.	849-3941
PAT Nott	632 W. MT Vernon	864-5700
Alan Jeff	632 W MT Vernon	
Brandy Roberts	626 W. Mt. Vernon	417-894-7849
Phyllis Aetzer	845 S MISSOURI	866-8776
Kathleen Cowens	741 S Market Ave	865-7427
Tammy Ann Kaye	931 W. Memorial Terrace	865-3158
Rusty Worley	807 W Walnut	569-8866
Caron Parnell	800 W. Walnut	314.825.6498
John Dukewits	941 W LOMBARD	417 766 6818
KARL JASINSKI	626 S. MARKET AVE. 626, 630, 630.	810-922-4556

BRANDON DICKMAN
 DIXIE VAUGHN

ROZA HOMES

GEOFF BUTLER

BUTLER ROSENBERG



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October 28, 2015

To: Nearby Neighbors of the properties at 604, 608, 614 and 618 West Mount Vernon

Re: Proposed Rezoning

Greetings,

I am representing the property owners of the above properties on West Mount Vernon. There are three lots there which they want to rezone from R-SF single family residential to R-LD Residential low density. 608 and 614 Mount Vernon are existing duplex units which are being rehabbed. The property at 618 Mount Vernon will be demolished and a new multi-family building with five units is planned there. 604 Mount Vernon is an existing single family house which will eventually be combined with 608 and 614 when that needs to be redone.

The purpose of this letter is to let you know of the upcoming zoning process and to invite you to a Neighborhood meeting that we are holding on **Wednesday evening November 18th between 4:00 PM and 6:30 PM.** The meeting will be held at **618 Mount Vernon.** There will be no formal presentation so you can come by any time during that period and I will be there to answer any questions you might have.

If you do not have time to come by please feel free to call me to discuss your concerns. My contact information is at the bottom of the first page of this letter.

Sincerely,

BUTLER, ROSENbury & PARTNERS, INC.

A handwritten signature in red ink, appearing to read "Geoffrey H. Butler", written over a red circular stamp or seal.

Geoffrey H. Butler, AIA
Architect & Partner

GHB

CC: City of Springfield – Planning and Zoning Commission

Geoffrey H. Butler, AIA
Architect & Partner
Direct Line: 417.521.6106
Mobile: 417.848.6000
Email: butler@brpae.com

319 North Main, Suite 200
Springfield, MO 65806
Phone: 417.865.6100
Fax: 417.865.6102
www.brpae.com



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December 4, 2015

To: Nearby Neighbors of the properties at 608, 614 and 618 West Mount Vernon

Re:: Proposed Rezoning

Greetings,

I am representing the property owners of the above properties on West Mount Vernon. There are lots there which they want to rezone from R-SF single family residential to R-LD Residential low density with a Conditional Overlay District limiting the density to 11 units per acre. 608 and 614 Mount Vernon are existing duplex units which are being rehabbed. The property at 618 Mount Vernon will be demolished and a new fourplex multi-family building is planned there. Previously 604 Mount Vernon was a part of this zoning but it has been removed from the application.

The purpose of this letter is to let you know that 604 Mount Vernon was removed from the request and that the zoning public hearing has been tabled until January 7th. Also please find the Notice form which was inadvertently omitted from our last letter to the neighborhood. We apologize for any inconvenience this might have caused.

Please feel free to call me any time to discuss your concerns. My contact information is at the bottom of the first page of this letter.

Sincerely,

BUTLER, ROSENbury & PARTNERS, INC.

A handwritten signature in red ink, appearing to be "Geoffrey H. Butler", written over a red circular stamp or seal.

Geoffrey H. Butler, AIA
Architect & Partner

GHB

CC: City of Springfield – Planning and Zoning Commission

Geoffrey H. Butler, AIA
Architect & Partner
Direct Line: 417.521.6106
Mobile: 417.848.6000
Email: butler@brpae.com

319 North Main, Suite 200
Springfield, MO 65806
Phone: 417.865.6100
Fax: 417.865.6102
www.brpae.com

ATTACHMENT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-39-2015 & CONDITIONAL OVERLAY DISTRICT NO. 103

The requirements of *Section 36-382.* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district.

1. Use Limitations:

- a. The maximum density for the subject properties are eleven (11) dwelling units per acre.
- b. All subject properties shall be combined into one lot following the Subdivision Regulations if there are any existing non-conformities.

NOTICE

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits, an application for a change in land use or zoning the property will be posted, there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	12-9-2015	Telephone No.	417-689-0341
YOUR NAME:	Phyllis Netzer		
YOUR ADDRESS:	845 S Missouri Ave		
PROJECT ADDRESS:	600 blk of Mount Vernon St.		

COMMENTS: The people of this neighborhood have fought, argued for at least 15 years to have single family zoning as much as possible. There have been multiple RFD and above constructed in the last several years.

~~The~~ WC N has been a blighted neighborhood for several years. Until we, everyone, make efforts for more home ownership and less multi family we will never be able to crawl out of this "Blighted" label. IT is a shame to have these beautiful old homes upgraded in Density.

City of Springfield, Missouri - Development Review Office - 840 Boonville, Springfield, MO 65802 - 417.864.1611 Phone / 417.864.1882 Fax

So someone, who doesn't live in the neighborhood, can make a few more bucks,

Can you mail another form to me?

NOTICE

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

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Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	12-21-15	Telephone No.	863-1205
YOUR NAME:	Peggy J. Patrick		
YOUR ADDRESS:	619 West Harrison St, Springfield, MO 65806		
PROJECT ADDRESS:	608, 614, & 618 West Mt. Vernon St.		
COMMENTS:	<p>I believe that the duplexes at 608 & 614 W. Mt. Vernon should remain as R-SF - single family residential.</p> <p>I believe the home at 618 W. Mt. Vernon should be rehabbed and remain as R-SF - single family residential.</p> <p>Peggy J. Patrick</p>		

NOTICE

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

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The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner
 City of Springfield Development Review Office
 840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	DEC 30 2015	Telephone No.	417-8645700
YOUR NAME:	PATRICIA NEFF & Alan NEFF		
YOUR ADDRESS:	638 632 W. MT Vernon St. Spd, MO 65806		
PROJECT ADDRESS:	608, 614 & 618 W. MT Vernon St. Springfield, MO 65806		
COMMENTS:	We are the property owners of 638, 632, 626 MT Vernon - IN 1995 I spoke before the City Council on the zoning to R-SF. Our Home at 632 was a 3 unit, our property at 626 was a 2 unit the were changed to Single Family we reside at 632 W MT Vernon this has been our dwelling for the past 35 years. We wish to see this neighborhood over come its current reputation I believe leaving the current properties as R-SF is the only hope for this block Please DO NOT Rezone		

City of Springfield, Missouri - Development Review Office - 840 Boonville, Springfield, MO 65802 - 417.864.1611 Phone / 417.864.1882 Fax

Patricia Neff
Alan Neff

NOTICE

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits, an application for a change in land use or zoning the property will be posted, there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	12/30/15	Telephone No.	417-894-7849
YOUR NAME:	Brandy Roberts		
YOUR ADDRESS:	620 W. Mt. Vernon		
PROJECT ADDRESS:	1018-1014-1008 W. Mt. Vernon		

COMMENTS: I am concerned about the current density of our neighborhood. I am also concerned about the high crime rate in direct correlation to the density. I am not in favor of the rezoning of 1018-1014-1008 W. Mt. Vernon. The duplexes 1014 & 1008 have been constant culprits of rotating crime & violence. 1018 W. Mt. Vernon is a nice livable home that should not be demolished to build a multi-dwelling unit. It's absurd. In the 8 years I have lived next door to 1018 it has never been an issue. ~~about~~ This block doesn't need anymore Density!

RECEIVED
 DEC 18 2015
 BY: *Ashley Clowers* - 3:50 pm

**ZONING PROTEST PETITION TO THE
 CITY COUNCIL OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-39-2015 Capital, City Council Bill No., _____ (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Alan Neff	632 West Mt Vernon	626 Mt. Vernon	<i>Alan Neff</i>
PATRICIA NEFF	"	"	<i>Patricia Neff</i>
Alan Neff	"	638 West Mt Vernon	<i>Alan Neff</i>
PATRICIA NEFF	"	"	<i>Patricia Neff</i>
Alan Neff	"	632 W. Mt. Vernon	<i>Alan Neff</i>
PATRICIA NEFF	"	"	<i>Patricia Neff</i>

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
 COUNTY OF GREENE ss.

On this 2nd day of December, 2015, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

Judy K. White

 Notary Public

(SEAL)

JUDY K. WHITE
 Notary Public - Notary Seal
 State of Missouri
 Commissioned for Greene County
 My Commission Expires: October 20, 2019
 Commission Number: 16897552

My Commission Expires: October 20, 2019

RECEIVED
 DEC 30 2015
 BY: Anita Climer 9:29am

**ZONING PROTEST PETITION TO THE
 CITY COUNCIL OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. Z-39-2015 w/COD #103, City Council Bill No., _____ (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Peter Hendricks	630 W. Harrison ST		
Carolyn Hendricks	630 W. Harrison ST		

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
 COUNTY OF GREENE ss.

On this 29 day of December, 2015, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)


 Notary Public

My Commission Expires: 5-31-2019

SHIRLEY J. ALLEN
 Notary Public - Notary Seal
 State of Missouri
 Commissioned for Polk County
 My Commission Expires: May 31, 2019
 Commission Number: 15439482

**ZONING PROTEST PETITION TO THE
CITY COUNCIL OF SPRINGFIELD, MISSOURI**

RECEIVED
DEC 30 2015
BY: *Chris Meyer* 2:25pm

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. Z-39-2015 COD#103 City Council Bill No., _____ (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
<i>Jeffrey DAVID O'Neill</i>	<i>632 S GRANT AVE</i>		<i>Jeffrey D O'Neill</i>

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 22nd day of December, 2015, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)

Shirley J. Allen
Notary Public

My Commission Expires: 5-31-2019

SHIRLEY J. ALLEN
Notary Public - Notary Seal
State of Missouri
Commissioned for Polk County
My Commission Expires: May 31, 2019
Commission Number: 15439482

**ZONING PROTEST PETITION TO THE
CITY COUNCIL OF SPRINGFIELD, MISSOURI**

RECEIVED
DEC 30 2015
BY: *Richie* 2:25pm

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. Z-39-2015 COD#103 City Council Bill No., _____ (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
<i>Peggy J. Patrick</i>	<i>619 W. Harrison St.</i>	<i>—</i>	<i>Peggy J. Patrick</i>

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 17th day of December, 2015, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)

Robin Lynn McDaniel
Notary Public

My Commission Expires: November 08, 2019

ROBIN LYNN McDANIEL
Notary Public - Notary Seal
State of Missouri
Commissioned for Greene County
My Commission Expires: November 08, 2019
Commission Number: 15548377

**ZONING PROTEST PETITION TO THE
CITY COUNCIL OF SPRINGFIELD, MISSOURI**

RECEIVED
JAN 06 2015
BY: *Cheri Meyer* 11:19 am

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. Z-39-2015 COD#103 City Council Bill No., _____ (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
<i>Bailey Grace</i>	<i>427 W Harrison St Springfield, MO 65806</i>		<i>Bailey Grace</i>

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 5th day of January, 2016, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

Marguerite A. Phipps

Notary Public

My Commission Expires: Nov 25, 2018

(SEAL)
MARGUERITE A. PHIPPS
Notary Public - Notary Seal
STATE OF MISSOURI
Greene County
My Commission Expires Nov. 25, 2018
Commission #14631721

From: [Karl Jasinski](#)
To: Zoning@springfieldmo.gov
Cc: [Kathleen Cowens](#)
Subject: Proposed rezoning of 608, 614 and 618 West Mount Vernon
Date: Thursday, January 07, 2016 10:34:15 AM

Dear City Zoning staff and Planning Commission,

Regarding the zoning change request by the "new owner/Roza Homes" of the above properties, I truly hope that the city planning depart staff has decided not to recommend a Multi-Family rezone of the three historic "built-as" single family homes, and I truly hope the Planning Commission members hear the voices of the concerned residents regarding this proposal and what the desire for their neighborhood is; for we are the invested ones who live here and will be effected by the rezone request. I have yet to talk to one neighbor that approves of this.

In the past, I've served on a Planning Commission for three years and take a great interest in zoning and planning, I can't see how the above request is consistent with the neighboring properties and I certainly don't agree with additional multi-family units or a rezone at this location. The West Central Neighborhood is a majority of Built-as single family historic homes, many poorly subdivided into non conforming multiple units- most of these properties are now poised for conversion back to single family(and we are seeing this trend happening now on every street) as a building boom of multi-family units in the downtown area will absorb most of the downtown/West Central neighborhood rental market. I ask the commission to please not reverse a positive trend that is happening now in our lovely neighborhood.

I applaud Roza Homes with for wonderful job they do in restoring and improving properties throughout the city and the improvements they've already made to the above properties.

Thank you for your time, I apologize this letter did not get sent out sooner and I hope it can be submitted in tonight's meeting.

All my best,

Karl Jasinski
627 South Market Ave.
Springfield, MO. 65806

Karl Jasinski
DESIGNS
Branson - Sarasota - Fenton
810-922-4556

One-rdg. _____
P. Hrngs. _____
Pgs. 26
Filed: 01-19-16

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 035

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the issuance of Conditional Use Permit No. 418 to allow an
2 automobile service garage within a GR, General Retail District,
3 generally located at 1100 & 1110 North Grant Avenue. (Planning and
4 Zoning Commission and staff recommend approval.)
5 _____
6

7 WHEREAS, by the authority of Section 36-363 of the Land Development Code of
8 the City of Springfield, Missouri, the City Council may grant permits for certain types of
9 conditional uses in certain zoning districts; and
10

11 WHEREAS, the Springfield Planning and Zoning Commission (Commission)
12 held a properly noticed public hearing on December 10, 2015; and the Commission by a
13 vote of 5-0 found that the necessary conditions existed for issuance of the permit; and
14

15 WHEREAS, the City Council finds the following conditions to exist:
16

- 17 1. The application is complete and does not contain or reveal violations of this
18 provision or other applicable regulations which the applicant has failed or refused to
19 supply or correct;
20
- 21 2. The site plan meets the standards required by this Article or other applicable
22 regulations with respect to such development or use;
23
- 24 3. The proposed site plan does not interfere with easements, roadways, rail lines,
25 utilities, and public or private rights-of-way;
26
- 27 4. The proposed site plan does not destroy, damage, detrimentally modify or interfere
28 with the enjoyment and function of significant natural topographic or physical
29 features of the site;
30
- 31 5. The proposed site plan is not injurious or detrimental to the use and enjoyment of
32 surrounding property;
33

- 34 6. The circulation elements of the proposed site plan do not create hazards to safety on
35 or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or
36 undue interferences and inconveniences to vehicular and pedestrian travel;
37
38 7. The screening of the site provides adequate shielding for nearby uses which may be
39 incompatible with the proposed use;
40
41 8. The proposed structures or landscaping are not lacking amenity in relation to, or are
42 not incompatible with nearby structures and uses;
43
44 9. The proposed site plan does not create drainage or erosion problems on or off the
45 site; and
46

47 WHEREAS, the granting of such permit is deemed proper and beneficial to the
48 welfare of the City of Springfield, Missouri.
49

50 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
51 SPRINGFIELD, MISSOURI, as follows, that:
52

53 Section 1 – Permission is hereby granted to use the tract of land generally
54 located at 1100 & 1110 North Grant Avenue and more fully described in “Exhibit B,”
55 attached hereto and incorporated by reference, as an automobile service garage within
56 a GR, General Retail District, on certain conditions in accordance with Section 36-363
57 of the Land Development Code of the City of Springfield, Missouri.
58

59 Section 2 – Such use shall be subject to the conditions set forth in “Exhibit C” to
60 this ordinance, attached hereto and incorporated by reference.
61

62 Section 3 – Building permits and certificates of occupancy may be issued by the
63 proper authorities pursuant to the permission granted by this ordinance.
64

65 Section 4 – This ordinance shall be in full force and effect only so long as the use
66 of said premises and any improvements thereon conform to the use herein granted,
67 unless special exceptions shall have been granted by the Board of Adjustment.
68

69 Section 5 – Any violation of the requirements of this ordinance may be grounds
70 for the revocation of this permit by the City Council after a hearing before said City
71 Council.
72

73 Section 6 – This ordinance shall be in full force and effect from and after
74 passage.
75

76
77 Passed at meeting: _____
78
79

80
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89

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Achalot Wicker, Assistant City Attorney

Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 035

FILED: 01-19-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To allow an automobile service garage within a GR, General Retail District generally located at 1100 & 1110 North Grant Avenue

BACKGROUND INFORMATION: USE PERMIT NUMBER 418

This is a request for a Conditional Use Permit to allow an automobile service garage within a GR, General Retail District generally located at 1100 & 1110 North Grant Avenue. The existing automobile service garage at 1100 North Grant is considered a legal conforming use in the GR district because it existed prior to the current Zoning Ordinance. Approval of the Conditional Use Permit will allow the existing viable business to expand onsite to an adjacent existing commercial structure at 1110 North Grant.

The Growth Management and Land Use Plan of the Comprehensive Plan identify this property as an appropriate area for medium intensity retail, office or housing. The site is an appropriate location for an automobile service garage. Approval of this request will provide for the productive use of the subject property where investments have been made in public infrastructure and services. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 36-363 (10) of the Zoning Ordinance.

Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4: Develop the community in a sustainable manner, Objective 4a, Increase density in activity centers and transit corridors; and 4b, Increase mixed-use development areas.

REMARKS: The Planning and Zoning Commission held a public hearing on December 10, 2015, and recommended approval, by a vote of 5 to 0, of the proposed conditional use permit on the tract of land described on the attached sheet (see "Exhibit A," Record of Proceedings).

The Planning and Development staff recommends the application be approved with the following conditions (see "Exhibit C," Development Review Staff Report):

CONDITIONS:

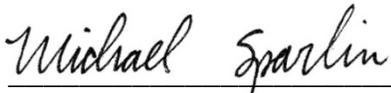
1. The regulations and standards listed in "Attachment 3" shall govern and control the use and development of the land in Use Permit Number 418 in a manner consistent with the attached site plan (see "Attachment 6").

2. The proposed automobile service garage shall be located and constructed in substantial conformance to the attached site plan.

FINDINGS FOR STAFF RECOMMENDATION:

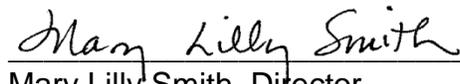
1. The Growth Management and Land Use Plan of the Comprehensive Plan identify this property as an appropriate area for medium intensity retail, office or housing. This land use category would accommodate a variety of commercial uses
2. Approval of this request will provide for the productive use of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.
3. This application meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan, which identifies this area as appropriate for a variety of commercial uses.

Submitted by:



Michael Sparlin, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

- Exhibit A, Record of Proceedings
- Exhibit B, Legal Description
- Exhibit C, Development Review Staff Report

ATTACHMENTS:

- Attachment 1, Department Comments
- Attachment 2, Requirements for Conditional Use Permit 418
- Attachment 3, Standards for Conditional Use Permits
- Attachment 4, Neighborhood Meeting Summary
- Attachment 5, Applicant's Responses to Standards for Conditional Use Permits
- Attachment 6, Site Plan

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission January 7, 2016

Conditional Use Permit 418
1100 & 1110 North Grant Avenue
Applicant: Jimmy Vanzandt

Mr. Hosmer stated that this is a request for a conditional use permit to allow an automobile service garage within a GR, General Retail District generally located at 1100 & 1110 North Grant Avenue.

The Growth Management and Land Use Plan of the Comprehensive Plan identify this property as an appropriate area for medium intensity retail, office or housing. Grant Ave is classified as a primary arterial roadway. Automobile service garages are allowed in GR only with a conditional use permit. The existing automobile service garage at 1100 North Grant is considered a legal conforming use in the GR district because it existed prior to the current Zoning Ordinance. Approval of the Conditional Use Permit will allow the existing business to expand into 1110 North Grant. All redevelopment of the site will be limited to existing structures. No additional structures are being proposed. Conditional Use Permit Requirements: An automobile service garage is permitted in substantial conformance with Attachment 6. All redevelopment will be limited to existing structures. The eastern access to Scott Street shall be closed. The development of the property shall meet all requirements of the Fire Code including Knox access to the proposed fence. An Administrative Lot Combination shall be approved for the two properties. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to. A change to the site plan should refer to a six foot wooden fence (not chain length fence) along property zoned R-SF on the east side of the lot in accordance to Zoning Ordinance. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Stephanie Ireland, 1908 E. Sunshine representing owner who is wanting to expand his existing automobile repair shop. The current owner is using the property as storage, so there is very little activity and there is an abandoned building, old grocery store across the public alley and an abandoned across North Grant that was a restaurant several times, these abandoned building has led to vandalism and drug activity, so with more regular activity this should be deterred.

Mr. Baird closed the public hearing.

Mr. Doennig asked staff that if we approve the Conditional Use Permit will that take care of the fence or do we need to make an amendment to include the fence.

Mr. Hosmer stated that we should make an amendment to be part of the record to be clear that the wooden fence will come down the alley on the east side of the lot in accordance to the zoning ordinance.

COMMISSION ACTION:

Mr. Doennig motions that we approve Conditional Use Permit 417 (1100 & 1110 North Grant Avenue) subject to the addition of a wooden fence along the east property line per city code. Mr. Cline seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox



Bob Hosmer, AICP
Principal Planner

EXHIBIT B
LEGAL DESCRIPTION
USE PERMIT NUMBER 418

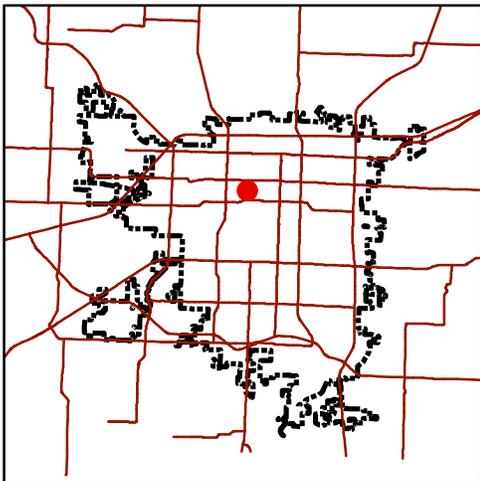
The west 85 feet of Lot 61 (except the north 30 feet) in HENDRICKS AND JONES ADDITION in Springfield, Greene County, Missouri, and property being approximately 130 feet by 85 feet

AND

All of the east forty five(45) feet of the south one hundred thirty (130) feet and the east four and one-half ($4 \frac{1}{2}$) feet of the north thirty (30) feet of lot sixty-one (61) and the west four and one-half ($4 \frac{1}{2}$) feet of lot sixty-two (62), in Hendricks and Jones Addition, in the City of Springfield, Greene County, Missouri

AND

All of the north thirty (30) feet of lot sixty-one (61) in the Hendricks and Jones Addition, in the City of Springfield, Greene County, Missouri, except the east four and one half ($4 \frac{1}{2}$) feet thereof.



Development Review Staff Report

Department of Planning & Development - 417-864-1031
 840 Boonville - Springfield, Missouri 65802

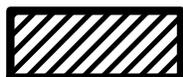
Conditional Use Permit 418

LOCATION: 1100 & 1110 N. Grant Avenue

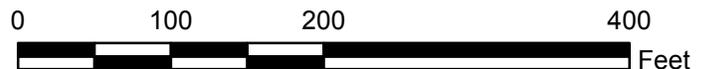
CURRENT ZONING: GR, General Retail

PROPOSED ZONING: GR, General Retail with a Conditional Use Permit to allow an Automobile Service Garage

LOCATION SKETCH



- Area of Proposal



1 inch = 125 feet

DEVELOPMENT REVIEW STAFF REPORT
CONDITIONAL USE PERMIT 418

PURPOSE: To allow an automobile service garage within a GR, General Retail District generally located at 1100 & 1110 North Grant Avenue

REPORT DATE: December 16, 2015

LOCATION: 1100 & 1110 North Grant Avenue

APPLICANT: Jimmy Vanzandt, Walter & Debra Rosseau

TRACT SIZE: Approximately 0.49 acres

EXISTING USE: Automobile service garage use at 1100 North Grant & commercial use at 1110 North Grant.

PROPOSED USE: Automobile Service Garage

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* identifies this property as an appropriate area for medium intensity retail, office or housing. This land use category would accommodate a variety of commercial uses
2. Approval of this request will provide for the productive use of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.
3. The existing automobile service garage at 1100 North Grant is considered a legal conforming use in the GR district because it existed prior to the current Zoning Ordinance. Approval of the Conditional Use Permit will allow the existing viable business to expand onsite and continue to offer neighborhood services.
4. The normal bufferyard required between GR and R-SF zoning is a Bufferyard "Type F" at least twenty (20) feet wide with a six foot solid wood fence, masonry/brick wall or evergreen hedge and required plantings. However, under Section 36-482 (15), the development does not increase the lot size or floor area beyond the threshold that would require open space and bufferyard. Screening will be required with a six (6) foot solid wood fence along the East property line adjacent to the R-SF, Single Family Residential zoned property.

5. This application meets the approval standards for a Conditional Use Permit and is in conformance with the *Comprehensive Plan*, which identifies this area as appropriate for a variety of commercial uses.

RECOMMENDATION:

Staff recommends approval of this request with the following conditions:

1. The regulations and standards listed on Attachment 3 shall govern and control the use and development of the land in Use Permit Number 418 in a manner consistent with the attached site plan (Attachment 6).
2. The proposed automobile service garage shall be located and constructed in substantial conformance to the attached site plan.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	GR	Retail and Commercial Uses
East	R-SF	Single-family residences
South	R-SF	Single-family residences
West	R-SF	Duplex and single-family residences

ZONING ORDINANCE REQUIREMENTS:

1. The conditional use permit procedure is designed to provide the Planning and Zoning Commission and the City Council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. In granting a conditional use, the Planning and Zoning Commission may recommend, and the City Council may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set out in the Zoning Ordinance to avoid, minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood. The general standards for conditional use permits are listed in Attachment 3.
2. No conditional use permit shall be valid for a period longer than 18 months from the date City Council grants the conditional use permit, unless within this 18 months:
 - a. A building permit is obtained and the erection or alteration of a structure is started; or

- b. An occupancy permit is obtained and the conditional use is begun.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area as appropriate for medium intensity retail, office or housing. This mixed category indicates that a variety of commercial uses are appropriate.

STAFF COMMENTS:

1. The applicant is requesting approval of a Conditional Use Permit for a Automobile Service Garage on the subject property within a GR, General Retail District. The subject property was identified by the *Growth Management and Land Use Plan* element of the *Comprehensive Plan* as an appropriate area for medium intensity retail, office or housing. This land use category would accommodate a variety of commercial uses. Approval of this application will provide for the productive use of the subject property which is already served by public facilities and services.
2. The applicant is requesting to expand an existing automobile service garage at 1100 North Grant Avenue to an adjacent existing structure at 1110 North Grant Avenue. The existing automobile service garage is considered a legal conforming use in the GR district because it existed prior to the current Zoning Ordinance. The expansion of the use requires the conditional use permit. The GR district allows an automobile service garage by a conditional use permit provided the development meets the provisions of Section 36-363 (10).
3. The approval of this request will provide for the productive use of an underutilized commercial structure and allow for the adjacent automobile service garage an opportunity for a moderate expansion of the business. All redevelopment of the site will be limited to existing structures. No additional structures are being proposed.
4. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 36-363 (10) of the Zoning Ordinance. Any development of this property must also follow the GR, General Retail District requirements.
5. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on December 15, 2015 regarding the request for a conditional use permit. A summary of the meeting is attached (Attachment 4).

PUBLIC COMMENTS:

The property was posted by the applicant on December 27, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 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. Twenty-five (25) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL PUBLIC HEARING: January 25, 2016

STAFF CONTACT PERSON:

Michael Sparlin
Senior Planner
864-1091

ATTACHMENT 1
DEPARTMENT COMMENTS
CONDITIONAL USE PERMIT 418

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with the Conditional Use Permit.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

No issue with the conditional use permit. The remaining driveway approaches will need to be brought up to city standard ST-9.

STORMWATER COMMENTS:

No stormwater issues with proposed use. No increase in impervious area/runoff.

CLEAN WATER SERVICES COMMENTS:

No objection to use permit. Both lots are currently served by public sewer.

CITY UTILITIES:

No objections with Conditional Use Permit.

FIRE DEPARTMENT:

No issue with use. Must provide a knock box, knock switch or knock padlock for gate across the drive entrance. Additionally a man gate with knock access must be provided on the west fence as well for fire access.

ATTACHMENT 2
REQUIREMENTS FOR CONDITIONAL USE PERMIT 418

1. An automobile service garage is permitted in substantial conformance with Attachment 6.
2. All redevelopment will be limited to existing structures.
3. The eastern access to Scott Street shall be closed.
4. The development of the property shall meet all requirements of the Fire Code including Knox access to the proposed fence.
5. An Administrative Lot Combination shall be approved for the two properties
6. A six (6) foot solid wood fence will be required along the East property line adjacent to the R-SF, Single Family Residential zoned property.
7. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

ATTACHMENT 3
STANDARDS FOR CONDITIONAL USE PERMITS
CONDITIONAL USE PERMIT 418

An application for a conditional use permit shall be granted only if evidence is presented which establishes the following: (see attached Attachment 5 for the applicant's response)

1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent possible such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare as proposed;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment

of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare.

11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site;
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance;
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards;
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect.
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed

vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.

19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield, and;
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

NEIGHBORHOOD MEETING SUMMARY

1. Conditional Use Permit for: 1110 N. Grant - Conditional Use Permit
2. Meeting Date & Time: December 15, 2015
3. Meeting Location: 1100 N. Grant
4. Number of invitations that were sent: 171
5. How was the mailing list generated: City Planning & Zoning provided it
6. Number of neighbors in attendance (attach a sign-in sheet): 8 - see attached
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

See attached

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

There were no written comments given to me

Concern voiced: Anita Kuhns said she PERSONALLY supports the project (see attached) but she was also there to represent the Grant Beach Neighborhood Association because she is their president. She said she had some people come to her in the Neighborhood Association concerned that the proposed use would make the area look "junky". Anita also said that those people misunderstood the location and they thought it was going to be the old grocery store location, which is an empty building. So she took a picture of the site plan I provided to the City and she was going to post it to the Grant Beach Neighborhood Association's Facebook page to explain the location proposed.

Resolution Proposed: Since Jim Vanzandt is proposing to fence 1110 N. Grant with a new privacy fence where there is no fence now (he was planning on leaving the existing chain link fence on the East side of 1110 N. Grant), there should be less visibility to the vehicles that are there now, but it is a vehicle repair shop and it is inevitable that there will be cars on the property. I don't know if that is the specific concern or not.

Anita said she supported it because she would rather have an occupied building than an empty building, in the neighborhood because there are already several unoccupied buildings in that area, such as a grocery store and a restaurant.

1100 N. Grant and 1110 N. Grant – Responses to Section 3-3310.A of the Springfield Zoning Ordinance

- A. State how the proposed conditional use will comply with the applicable standards in Subsection 3-3310 of the zoning Ordinance.
1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
 - a. *Since there is already an Automotive Service Garage located at 1100 N. Grant, it is zoned the same as that property (GR – General Retail) and is allowed as per a Conditional Use as per the current Zoning Ordinance, I believe the proposed use would be consistent with Springfield’s Comprehensive Plan.*
 2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site
 - a. *Traffic will not be adversely affected because the only traffic that will be on this property will be those doing business with the establishment. Traffic will enter the building from 1100 N. Grant and exit onto the existing Public Alley. Pedestrians will not be adversely affected by the use of this building, the public will not be allowed inside this building unless they are in their car for a drive-thru inspection. All business transactions would take place at 1100 N. Grant in the existing business area.*
 3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control.
 - a. *The existing building has all four walls as concrete block so there is little that can burn of the building at 1110 N. Grant, itself.*
 4. The proposed conditional use will not increase the hazard to adjacent property from floor or water damage.
 - a. *1110 N. Grant, at the present time, is 100% impervious surface, therefore there will not be any additional runoff of flooding due to the use of this building.*
 5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in this district.
 - a. *This is a business that will have daytime hours only and will match the use of the building at 1100 N. Grant. The cars will not be running except to move them in and out of the building.*
 6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate glare are proposed.
 - a. *Since this facility will only operate during normal working hours of Monday-Friday 8am – 6pm, so there should be no lights bothering any residential areas after 6:00pm. The same as what is at the Auto Repair shop located at 1100 N. Grant at the present time.*
 7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site.
 - a. *There are no signs or exterior lighting proposed for this site.*
 8. Such signs will not have an adverse effect on any adjacent properties
 - a. *No signs are proposed for 1110 N. Grant. The existing sign at 1100 N Grant will remain.*

9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.
 - a. *It was agreed upon at the ARC Committee meeting that one of the existing drives located at 1100 N. Grant would be closed – see the site plan for which location.*
 - b. *At 1110 N. Grant there is one existing drive on W. Scott Street that will be closed and one existing drive on the Public Alley to remain, but will have a gate installed so it is restrict to only authorized access, see the plan for clarification of locations.*
 - c. *Both 1100 N. Grant there is either impervious surface, gravel and a little bit of grass, see the site plan for locations.*
 - d. *1110 N. Grant are 100% impervious surface which is either the buildings or pavement, so there should be plenty of pavement available for traffic circulation.*

10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surround property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affected the public health, safety and general welfare
 - a. *Correct. The proposed use is the same use as 1100 N. Grant therefore the existing activities will continue there and at 1110 N. Grant, therefore it is compatible with the adjacent property. With the building at 1110 N Grant having an active business, it will hopefully deter vandals from the area, especially since there are so many other buildings that are abandoned in this neighborhood.*

11. The proposed conditional use will be constructed, arranged and operated so as to not dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of the buildings, structures, walls and fences on the site; and
 - b. The nature and extend of landscaping and screening on the site.
 - i. *The existing building is being used for only storage by the existing owner, therefore there is not much traffic to the building or within the building, leaving it vulnerable to vandalism and break-ins. With the proposed use, there will be someone at the building Monday-Friday and the new proposed owner will be maintaining the property. The use of this existing building should not hamper development in the immediate vicinity, it should actually enhance development by bringing an active business to the site.*
 - ii. *The existing building is a single story building that is actually shorter than the existing building at 1100 N. Grant. There is a chain link fence already installed between 1110 N. Grant and the residence to the East. At this time the parking lot of 1110 N. Grant is used as a way for vehicles to cut through behind Jim’s existing business, he wants to stop this by restricting access by adding additional chain link fence and a gate to secure his business and his client’s vehicles. This will also keep people of the property who are not authorized to do so.*

12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site
 - a. *The entire existing site at 1110 N. Grant is impervious with 1100 N. Grant being impervious, gravel and a little grass therefore there are no significant natural topographical or physical features on the site*

13. The proposed conditional use will not rest in the destruction, loss or damage of any natural, scenic or historic feature of significant importance
 - a. *No, it will not.*
14. The proposed conditional use otherwise complies with all applicable regulations or this Article, including lot size requirements, bulk regulations, use limitations and performance standards.
 - a. *Yes it does*
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.
 - a. *Yes, by normally occupying the building it will help keep vandals and break-ins down in the area. It will be a convenience to the public because there will be more places to park for the existing business.*
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 5-1500, 5-1600 and 6-1300 of this article and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effects
 - a. *The area has an existing chain link fence between 1110 N. Grant and the closest residential property, which is to the side of the existing house. There will be more parking than required, if this Conditional Use Permit is granted. The area proposed will be completely fenced off and gated to keep unauthorized people from entering the area, making the area safer.*
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
 - a. *As per the site plan there will be two drives that will be maintained at 1110 N. Grant, one drive will be closed on 1100 N. Grant and all drives will be brought up to ST-9 standards.*
 - b. *Gating/fencing the area will stop from unauthorized vehicular traffic through this site.*
18. The vehicular circulation elements of the proposed applicate will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience and pedestrian travel
 - a. *As proposed, 1110 N. Grant will be more safe with the area fenced/gated than with the unauthorized traffic cutting through the property, at this time. There are existing continuous sidewalks that will remain for pedestrian traffic*
19. The proposed use, as shown by the application, will not interfere with any easements, roadway, rail lines, utilities and public or private rights-of-way
 - a. *Correct, all will remain as it is today*
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structure must meet all fire, health, building, plumbing and electrical requirements of the City.
 - a. *Yes, the proposed owner will comply.*
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and

sewers and school; or that the persons or agencies responsible for the establishment of the proposed will provide adequately for such services.

a. With the approval of this Conditional Use Permit, there will be more parking spaces than required by the current Zoning Ordinance, all utilizes are existing and shall remain except the existing gas line that went to the laundromat washer/dryers will be reduced to accommodate only the existing heating system.

B. Provide a written response as to how development and use of neighboring property will not be impaired or adversely affected.

a. Since there is already an established Automobile Service Garage, there will be no additional effect on the neighborhood than there is today. With the proposed use of this building, at least it will be regularly occupied which should cut down on vandalism and break-ins. The existing building is not an active business, it is just being used for storage by the Owner at this time.

C. Provide a written response on any potential adverse effects of the conditional use permit and how you intend to avoid, minimize or mitigate such effects?

a. The proposed property will be fenced and gated to keep unauthorized traffic from cutting through the property, especially at night and on weekends.

b. The building will be regularly occupied, whereas it is not now.

c. This project will allow a growing business to thrive in an area that could really use more business, especially since the grocery store has moved out, across the street. The more traffic and people in the area, the less vandals and break-ins that should occur.



1 SP-1 LOCATION SKETCH

SCALE = NTS



3 SP-1 SITE PLAN - CONTOURS & SURFACE MATERIALS

SCALE = 1" = 20'



THE SITE INFORMATION SHOWN IS FROM A SURVEY CONDUCTED BY GRAY AND ASSOCIATES ON PAGE 2.

A. APPLICANT: JIM VANZANDT 1100 N. GRANT SPRINGFIELD, MO 65802

JIM IS INTERESTED IN PURCHASING THE PROPERTY, BUT ONLY AFTER HE IS APPROVED TO RUN AN AUTOMOBILE SERVICE CENTER FROM THIS LOCATION, BY THE CITY OF SPRINGFIELD, MO.

B. OWNER: WALTER & DEBBIE ROSSEAU 1902 MICHAEL LN NIXA, MO 65714

C. STREET ADDRESS: 1110 N. GRANT (PROPOSED TO BE PURCHASED) & 1100 N. GRANT (OWNED BY JIM VANZANDT). LEGAL DESCRIPTION IS ON THE SURVEY BY A CERTIFIED LAND SURVEYOR ALONG WITH THE SURVEY ON PAGE 2.

D. SEE SITE PLAN 2/SP-1 FOR ZONING; 1110 N. GRANT - ZONED AS GR (GENERAL RETAIL). PRESENT USE - CURRENT OWNER OF THIS BUILDING IS USING IT FOR STORAGE, NO BUSINESS HAS BEING RUN FROM THIS LOCATION FOR SEVERAL YEARS. POTENTIAL OWNER IS HOPING BY OCCUPYING THIS BUILDING IT WILL DISCOURAGE VANDALS FROM THE AREA.

1100 N. GRANT IS AN EXISTING AUTOMOBILE SERVICE CENTER; ZONED AS GR (GENERAL RETAIL).

E. PROPOSED USE OF 1110 N. GRANT - AUTOMOBILE SERVICE GARAGE AS ALLOWED BY A CONDITIONAL USE PERMIT. THIS IS THE SAME USE AS 1100 N. GRANT, THAT WILL BE OWNED BY THE SAME PERSON, IF APPROVED BY P&Z AND CITY COUNCIL. THE EXISTING BUILDING AT 1110 N. GRANT WILL BE USED FOR DRIVE-THRU INSPECTIONS, TUNE-UPS, BRAKE JOBS AND WHEEL ALIGNMENTS; NONE OF WHICH INCLUDE DEALING WITH GAS, OIL OR OTHER LIQUIDS.

F. PLANNING AND ZONING PROVIDED THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS WITHIN 185' OF THE SUBJECT PROPERTY.

RESPONDING TO 3-3005 CONTENT OF SITE PLAN APPLICATION

A-G SEE ABOVE

H. THERE IS NO PROPOSED GRADING OR RE-GRADING TO THE EXISTING PROPERTY. THERE ARE NO SIGNIFICANT NATURAL, TOPOGRAPHICAL OR PHYSICAL FEATURES OF THE PROPERTY. SEE 3/SP-1 AND THE SURVEY FOR EXISTING CONTOURS.

I. EXISTING BUILDING ON 1110 N. GRANT IS ONE STORY; SIZE IS 29.4' X 40.1' = 1178.94 S.F.; IS APPROXIMATELY 10' TALL. SINGLE SITE IS APPROXIMATELY 10,451 S.F. OF EXISTING 100% IMPERVIOUS SURFACE; MAKING THE F.A.R. = 0.112. SEE THE SITE PLANS FOR LOCATION OF THE EXISTING BUILDING. THE EXISTING BUILDING IS PROPOSED TO BE USED WITH LITTLE MODIFICATION; MODIFICATIONS INCLUDE INSTALLING A COUPLE OVERHEAD DOORS AND CLOSING OFF THE PEDESTRIAN ENTRANCE.

1100 N. GRANT IS ONE STORY; SIZE IS 28.2' X 45.5' = 1283.1 TOTAL S.F., AT TALLEST POINT BUILDING IS APPROXIMATELY 26'-8"; SINGLE SITE IS 11,085 S.F. OF EITHER IMPERVIOUS SURFACE, GRAVEL AND A LITTLE GRASS AS SHOWN ON THE SURVEY; MAKING THE F.A.R. = 0.1157

COMBINED PROPERTIES F.A.R. = 0.20

J. WITH THE EXISTING BUILDING TO REMAIN, YARD DIMENSIONS ARE NOT APPLICABLE.

K. SEE 2/SP-1 FOR VEHICULAR CIRCULATION. THERE WILL BE NO PEDESTRIAN/CUSTOMER ACCESS TO THE BUILDING LOCATED AT 1110 N. GRANT UNLESS THEY ARE INSIDE THEIR CAR FOR A DRIVE-THRU INSPECTION. ALL OTHER CUSTOMER CONTACT WILL BE AT 1100 N. GRANT. REFUSE STORAGE WILL BE ON 1100 N. GRANT.

L. SEE 4/SP-1 FOR LOCATION OF EXISTING UTILITIES

M. SEE 4/SP-1 FOR LOCATIONS OF EXISTING SURFACE AND SUBSURFACE DRAINAGE FACILITIES.

N. NO NEW SIGN IS PROPOSED ON 1110 N. GRANT

O. SEE 2/SP-3 FOR LOCATION OF EXISTING FENCES AND NEW FENCES PROPOSED

P. THERE IS NO EXISTING USABLE OPEN SPACE ON THE SITE.

Q. NO LANDSCAPING EXISTS NOR IS PROPOSED.

R. THERE ARE NO EXISTING TREES ON THIS SITE

S. NO CONSTRUCTION IS PROPOSED THAT REQUIRES SOIL EROSION CONTROL.

T. NO NEW EXTERIOR LIGHTS ARE PROPOSED

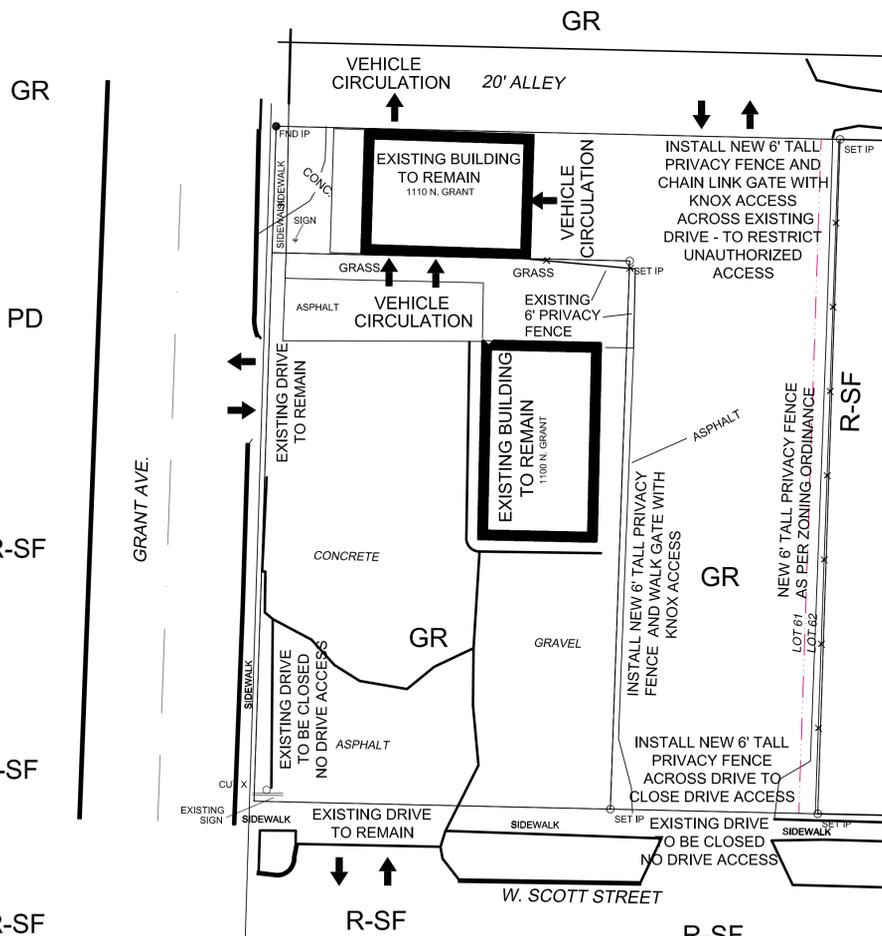
U. CONDITIONAL USE - THE PROPOSED USE IS IN COMPLIANCE WITH THE CONDITIONAL USE LISTED UNDER GR ZONING AND 3-3300.

V. THIS PROJECT WAS VETTED BY THE ARC COMMITTEE WITH NO CONCERNS. ALL ITEMS RECOMMENDED ARE SHOWN ON THESE PLANS. THERE WILL BE NO ADDITIONAL DETRIMENT TO THE AREA BECAUSE OF THE EXISTING AUTOMOBILE SERVICE GARAGE AT 1100 N. GRANT.

REFERRING BACK TO 3-3303

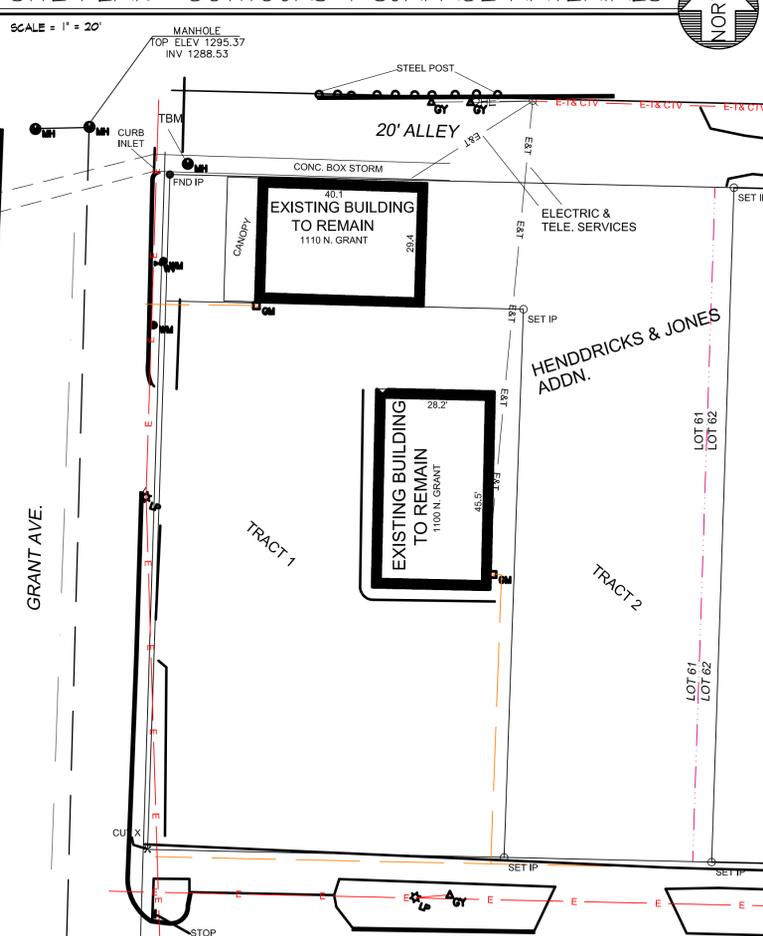
I. THE EXISTING BUILDING AT 1110 N. GRANT IS JUST BEING USED AS STORAGE BY THE OWNER AND NO BUSINESS BEING RUN FROM THE FACILITY, WITH AN ACTIVE BUSINESS THERE IT WILL GIVE ADDED VALUE TO THE PROPERTIES AROUND THIS ARE AND DISCOURAGE VANDALS AND ENHANCE THE ENJOYMENT OF THE AREA.

J. I'M NOT AWARE OF ANY ADVERSE EFFECTS OF HAVING AN ACTIVE BUSINESS, DURING NORMAL WORKING HOURS, ON THIS PROPERTY. THERE WILL BE MORE TRAFFIC, BUT SINCE THERE ARE SO MANY ABANDONED BUILDINGS IN THIS AREA, MORE TRAFFIC IS ACTUALLY A GOOD THING.



2 SP-1 SITE PLAN SHOWING ZONING, VEHICULAR ACCESS & FENCES

SCALE = 1" = 20'



4 SP-1 SITE PLAN SHOWING UTILITIES

SCALE = 1" = 20'



STEPHANIE D. IRELAND, INC. DBA
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 CORP. LIC. # 00407506

NO.	DATE	REVISIONS

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01-08-16

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Project Number: P15-037
 Date: 12/18/16
 SEE DRAWING

Building Name: **VANZANDT'S #2 AUTO REPAIR**
 1110 N. GRANT
 SPRINGFIELD, GREENE COUNTY, MO 65802
 Project Name: **CONDITIONAL USE PERMIT SKETCH**
 PLAN
 Street Name: **SITE PLAN**

Floor No: **GROUND**

Sheet No: **SP-1**

One-rdg. _____
P. Hrngs. _____
Pgs. 28
Filed: 01-19-16

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 036

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 Adopting the Redevelopment Plan for the Cherry Townhouse Redevelopment Area
2 (CTRA) generally located along the south east side of East Cherry Street
3 between South Thomas Avenue and South Kimbrough Avenue, and declaring
4 its redevelopment necessary for the preservation of the public peace,
5 prosperity, health, safety, morals, and welfare. (The Planning and Zoning
6 Commission, The Land Clearance for Redevelopment Authority, and City staff
7 recommend approval.)
8
9

10 WHEREAS, pursuant to Section 99.300 RSMo, et seq., (the "Act"), the City of
11 Springfield, Missouri (City), has duly created the Land Clearance for Redevelopment
12 Authority of the City of Springfield, Missouri (the "Authority"), and granted the powers
13 authorized by the Act; and
14

15 WHEREAS, the Authority is authorized by the Act to prepare development plans
16 for the elimination of slums and urban blight, and to improve social and economic
17 conditions; and
18

19 WHEREAS, the proposed CTRA was previously blighted by the City Council in
20 1964 in Resolution No. 4282 and later reaffirmed in 1967 in Resolution No. 4794 which
21 also adopted the South Central "A" Urban Renewal Area; and
22

23 WHEREAS, a Redevelopment Plan for the CTRA, attached hereto and
24 incorporated herein as "Exhibit 1," has been prepared and submitted to the Authority
25 and the Planning and Zoning Commission for their consideration; and
26

27 WHEREAS, City staff recommended to the Authority and the Planning and
28 Zoning Commission to approve the Redevelopment Plan for an area located along the
29 south east side of East Cherry Street between South Thomas Avenue and South
30 Kimbrough Avenue; and
31

32 WHEREAS, after duly considering the Redevelopment Plan, the Authority
33 recommended approval of the CTRA at its meeting of January 5, 2016, with a vote of
34 three in favor and one against; and
35

36 WHEREAS, the Redevelopment Plan was presented to the Planning and Zoning
37 Commission on January 7, 2016, voted five in favor and none against; and
38

39 WHEREAS, City Council held a public meeting on January 25, 2016, for which
40 notice was properly given in accordance with Section 99.430.1(8), RSMo, and all
41 interested parties, including affected political subdivisions, were given the opportunity to
42 be heard on such request; and
43

44 WHEREAS, City Council, after all interested parties were given an opportunity to
45 be heard, has elected to approve the Redevelopment Plan submitted herewith.
46

47 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
48 SPRINGFIELD, MISSOURI, as follows, that:
49

50 Section 1 – It is hereby found, determined, and declared that the proposed
51 redevelopment area, located along the south east side of East Cherry Street between
52 South Thomas Avenue and South Kimbrough Avenue, is appropriate for the
53 undertaking of a redevelopment project in conformance with the Redevelopment Plan
54 ("Exhibit 1").
55

56 Section 2 – City Council is cognizant of the requirement of the Act pertaining to a
57 workable program for community improvement by utilizing public and private resources
58 to eliminate and prevent slums and the spread of blight within the City.
59

60 Section 3 - The Redevelopment Plan ("Exhibit 1") is hereby found to be a
61 feasible and reasonable plan for redevelopment of the area and is in conformity with the
62 general plan for development of the City and that said Redevelopment Plan is an
63 appropriate plan for the acquisition, clearance, reconstruction, rehabilitation and
64 renewal of the entire area, and for future land uses. Said Redevelopment Plan is found
65 to meet the requirements of the Act, and is hereby adopted.
66

67 Section 4 - The Authority and the City Manager are hereby authorized to take
68 such actions as are necessary to carry out the Redevelopment Plan with the exception
69 that any agreements with developers shall be approved through Council action.
70

71 Section 5 - This ordinance shall be in full force and effect from and after passage.
72

73 Passed at meeting: _____
74

75 _____
76 Mayor
77

78 Attest: _____, City Clerk

79

80 Filed as Ordinance: _____

81

82
83 Approved as to form: A. Charles T. Weder, Assistant City Attorney

84

85 Approved for Council action: Lynne B. Smith, City Manager

EXPLANATION TO COUNCIL BILL NO. 2016- 036

FILED: 1-19-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To approve a redevelopment plan for the Cherry Townhouse Redevelopment Area (CTRA), generally located along the south side of East Cherry Street between South Thomas Avenue, and South Kimbrough Avenue and declaring its redevelopment necessary for the preservation of public peace, prosperity, health, safety, morals, and welfare. (The Planning and Zoning Commission, the Land Clearance for Redevelopment Authority (Authority), and City staff recommend approval.)

BACKGROUND: Sections 99.300-99.715, RSMo, the Land Clearance for Redevelopment Authority Law, provides incentives to encourage investment and the removal of blight within Council-approved redevelopment areas. Pursuant to the Law, the Authority may authorize partial real property tax abatement for projects that conform to an approved redevelopment plan and are located within an area that City Council has declared as blighted. Partial real property tax abatement is based on 100 percent of the increase in the assessed value of land and improvements for 10 years.

REthink Capital, LLC has submitted a Redevelopment Plan (Plan) for the CTRA, see "Exhibit 1," which consists of one parcel (0.184 acres) generally located along the south side of East Cherry Street between South Thomas Avenue and South Kimbrough Avenue. The purpose of the Plan is to remove blight and redevelop the area for multi-family residential use. The redevelopment area is currently occupied by a dilapidated four-unit apartment building that was originally constructed in 1882 as a single-family residential structure. The Plan proposes to demolish the existing structure within the CTRA in order to facilitate construction of a new townhouse-style multi-family residential structure that will contain between three and five dwelling units and have a maximum height of three stories. The development will be constructed according to the requirements of the R-HD, High-Density Multi-Family Residential District.

The Authority reviewed the Plan on January 5, 2016 and recommended approval by a vote of 3 to 1. The Planning and Zoning Commission also reviewed the Plan at their January 7, 2016 meeting and recommended approval by a vote of 5 to 0.

Applicants are typically required to submit a blight report along with the redevelopment plan. However, in this case, a blight report was not necessary because the CTRA is already located in a blighted area. The redevelopment area is part of a larger area that City Council declared to be blighted in 1964 (Resolution No. 4282) and later reaffirmed in 1967 (Resolution No. 4794) with the adoption of the South Central "A" Urban Renewal Area. The requirements of the Urban Renewal Plan are obsolete and impractical by today's standards for new multi-family residential construction in Center City. In order to facilitate redevelopment, the Applicant has submitted a new Plan for

the CTRA, which will replace the existing Urban Renewal Plan within said redevelopment area.

This proposal is consistent with the Chapter 99/Land Clearance for Redevelopment Authority policies set forth in the Economic Development Incentives Policy Manual. Those policies are provided below.

1. Proposed redevelopment plans must be reviewed by the Planning and Zoning Commission and found to be consistent with the City of Springfield Comprehensive Plan.
2. Proposals for redevelopment plans and property tax abatement pursuant to Chapter 99, RSMo will be strongly discouraged in approved Tax Increment Financing districts because tax abatement conflicts with the intent of the TIF statute to capture the incremental increase to fund TIF improvements.

Section 99.430(9), RSMo establishes the scope of review for a municipality to approve a redevelopment plan. The City Council may approve a redevelopment plan if it finds that it is feasible and in conformity with the general plan for the development of the community as a whole.

The Growth Management and Land Use Element of the Springfield-Greene County Comprehensive Plan designate the land within and surrounding the redevelopment area for Medium or High-Density Residential Housing. This land use designation includes all types of multi-family residential housing with densities greater than six dwelling units per acre. The Plan recommends this type of land use be located where there is good traffic access, preferably along arterials and collectors. It also recommends that it be located between low-density housing and non-residential land uses, as well as near high-amenity areas. The Plan satisfies these recommendations by proposing new multi-family residential housing along East Cherry Street (secondary arterial) approximately 200 feet west of South Kimbrough Avenue (secondary arterial). Furthermore, the redevelopment area is located in a high-amenity area, given its proximity to the Missouri State University Campus; Downtown; and adjacent commercial uses, churches, parks, and transit services.

The Growth Management and Land Use Element also targets the Missouri State University campus and surrounding area as a Major Activity Center. One of the Plan's objectives relating to activity centers is to promote additional or new employment, intensified retail business, higher density housing and convenient transit service. The Plan supports this objective by providing new housing adjacent to the Missouri State University campus.

The Center City Plan Element of the Springfield–Greene County Comprehensive Plan mentions the Center City area suffers from physical deterioration and economic obsolescence. It also states that although there are several properties within Center City that have been well maintained or recently constructed, the overall tone is one of an area that could use revitalization and new investment. The Plan addresses those

issues by proposing to remove existing blight and redevelop the area into a new multi-family residential development.

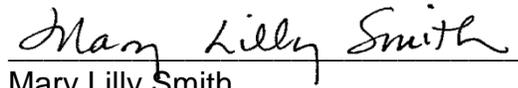
This Bill supports the following *Field Guide 2030* goal(s): Chapter 3, Economic Development; Goal 7, Continue the development and revitalization of the center city Springfield.

REMARKS: The Planning and Zoning Commission, the Land Clearance for Redevelopment Authority, and City staff recommend City Council approve the Redevelopment Plan.

Submitted by:



Matt D. Schaefer
Senior Planner



Mary Lilly Smith
Director, Planning and Development



Greg Burris
City Manager

RECORD OF PROCEEDINGS
Planning and Zoning Commission January 7, 2016

Cherry Townhouse Redevelopment Plan
516 East Cherry Street

Applicant: RETHink Capital, LLC

Mr. Schaefer stated that this is to approve the Redevelopment Plan for the Cherry Townhouse Redevelopment Area located along the south side of East Cherry Street between South Thomas Avenue and South Kimbrough Avenue (516 East Cherry Street) presented to the LCRA Law and is an incentive program to encourage development of blighted areas. The purpose of the Redevelopment Plan for the Cherry Townhouse Redevelopment Area is to remove blight and redevelop the area for multi-family residential use. The Redevelopment Area consists of a single 0.184 acre parcel of land. It is occupied by a dilapidated four-unit apartment building that was originally constructed in 1882 as a single-family residential structure. The Plan proposes to demolish the existing structures within the Redevelopment Area in order to facilitate construction of new townhouse style multi-family residential structure that will contain between three and five dwelling units and have a maximum height of three stories. The development will be constructed according to the requirements of the R-HD, High-Density Multi-Family Residential District.

The Growth Management and Land Use Element of the Springfield-Greene County Comprehensive Plan designate the land located in and around the Redevelopment Area for Medium- or High-Density Residential Housing. This land use designation includes all types of multi-family residential housing with densities greater than six dwelling units per acre. The Plan recommends this type of land use be located where there is good traffic access, preferably along arterials and collectors. It also recommends that it be located between low density housing and non-residential land uses, as well as near high-amenity areas. The Redevelopment Plan satisfies these recommendations by proposing new multi-family residential housing along East Cherry Street (secondary arterial) approximately 200 feet west of South Kimbrough Avenue (secondary arterial). Furthermore, the Redevelopment Area is located in a high-amenity area, given its proximity to the Missouri State University Campus; Downtown; and adjacent commercial uses, churches, parks, and transit services.

Mr. Baird opened the public hearing.

Mr. Kelly Burn, 1916 E. Meadowlark, Springfield here to answer any questions.

Mr. Baird closed the public hearing.

Mr. Edwards motions that we approve Cherry Townhouse Redevelopment Plan (516 East Cherry Street). Mr. Cline seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox



Bob Hosmer, AICP
Principal Planner

EXHIBIT 1

Redevelopment Plan
Cherry Townhouse Redevelopment Area
Springfield, MO

December 2015

REDEVELOPMENT PLAN

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ACTIVITY CENTERS	EXHIBIT C
LINKAGE	EXHIBIT D
SITE PLAN	EXHIBIT E
EXISTING SITE	EXHIBIT F
REDEVELOPMENT AREA WITHIN SOUTH CENTRAL "A" URBAN RENEWAL AREA	EXHIBIT G

Redevelopment Plan

516 E Cherry Redevelopment Area

I. Introduction

REthink Capital LLC, a Missouri Limited Liability Company, has prepared the following plan for the redevelopment of approximately .1837 acres into townhouse-style apartments. The developer proposes to remove the existing deteriorated and dysfunctional structure and replace with three (3) to five (5) units. The units will be leased by-the-bed and will have no more than twelve (12) total bedrooms with no single unit having more four (4) bedrooms.

II. Background

The developer purchased the property at 516 E Cherry in November 2015. The existing structure is approximately 100 years of age and is divided into four (4) residential units. Due to the deterioration of the structure there were no residents in any of the units at the time the developer purchased the property.

According to the Greene County Assessor's website, the structure is 2,684 square feet. Its appraised value is \$85,700 and its assessed value is \$16,290. Its 2015 property taxes were \$884.66.

There is also a separate structure located on the south of the property which is a carport/shed constructed of corrugated metal.

III. Description of the Project

Boundaries of the Redevelopment Area

The Redevelopment Area is located on the South side of Cherry Street between Kimbrough and Jefferson. This street block is almost entirely made up of older multi-family properties and several of the properties are suffering from a lack of capital improvements. The redevelopment area is in a High-Density Multi-Family Residential District (R-HD). The legal description is attached in Exhibit A.

The Redevelopment

The Redevelopment will be suitable to the High-Density Multi-Family Residential District (R-HD). The existing structures will be removed and replaced with new townhouse style apartments.

The redevelopment area is small at only .1837 acres (8,000 square feet), less than the existing lot minimum requirement within the High-Density Multi-Family Residential District of 15,000 square feet; however, it has been certified as a tract of land prior to 1956, so this lot minimum requirement does not apply.

IV. Need for Redevelopment

Blighted Area

The redevelopment area is located within the South Central "A" Urban Renewal Area. This area was declared a blighted area in 1964 then reaffirmed in 1967. It remains blighted today. Further, the Redevelopment Area itself exhibits a predominance of blighting conditions that render the current structure a menace to public health and safety and an economic and social liability. See attached Exhibit B for pictures of the blighting conditions. See Exhibit G for a map showing the Redevelopment Area within South Central "A" Urban Renewal Area.

The redevelopment area is in great need of redevelopment due to its location within the South Central "A" Urban Renewal Area as well as the predominance of blighting factors it exhibits. The structure does not present a reasonably safe environment to be used as a residence in its current condition. For this reason the property was vacant when the developer purchased it in November 2015. Correcting the blighting factors without demolishing the structure simply wouldn't be a feasible investment. Removing the structure and replacing it with multi-family units is the highest and best use and most closely aligns with the objectives of the Vision 20/20 Springfield-Greene County Comprehensive Plan adopted in November 2001.

The Redevelopment Area's Adherence to the Growth Management and Land Use Element of the Vision 20/20 Springfield Greene County Comprehensive Plan

The redevelopment will closely align with many of the objectives of the City of Springfield's Growth Management and Land Use Plan (GMLUP), which is a component of the Vision 20/20 Springfield-Greene County Comprehensive Plan.

Objective 1 (18-7, GMLUP): "The City of Springfield and Greene County should work together to create a future development pattern that is more geographically balanced and compact than past trends."

The redevelopment is investing in growth within Center City. It will remove dysfunctional units that are not providing an adequate housing option in favor of more dense multi-family housing.

Objective 2 (18-7, GMLUP): "Springfield and Greene County should seek sustainable growth by investing in established areas..."

The redevelopment is located within Center City in the West Central Neighborhood. It is also less than half a block from MSU (SMSU). These are some of the most "established" areas within Springfield.

Objective 9 (18-28, GMLUP): "Springfield and Greene County should target several locations as Activity Centers. In those locations, plans, regulations and public investments should promote... higher density housing."

The redevelopment will be removing uninhabitable and dysfunctional units, which are currently no choice at all for safe housing, in favor of new multi-family units. The redevelopment area is located within the MSU (SMSU) Activity Center and is on the edge of the Center City Activity Center. See Exhibit C for a map of the Activity Centers as laid forth in the GMLUP.

Objective 13 (18-46, GMLUP): “The City of Springfield and Greene County should regulate land development consistent with the Springfield Area Land Use Plan.”

According to figure 18-7 within the GMLUP, the redevelopment plan lies within a “Medium or High Density Housing” area.

“Townhouses and all various forms of apartment buildings are included in this category, which has been located where there is good traffic access, between low-density housing and non-residential land uses, and at high-amenity locations such as greenways and parkways. The density is expected to be greater than 6 housing units per net acre (18-48, GMLUP).”

The Redevelopment Area is located on Cherry Street which is a Secondary Arterial providing good traffic access. The Redevelopment area may also be accessed by an alley. It is also located within a few hundred feet of several commercial properties along Kimbrough and a few hundred yards of a park and church along Jefferson Avenue. Furthermore, Downtown, Missouri State University, and Transit Services are within a short walk.

The density of the redevelopment will be approximately 27 units per acre (as many as 5 units within .1837 acres).

The Redevelopment’s Adherence to the Center City Element of the Vision 20/20 Springfield Greene County Comprehensive Plan

The Center City Element of the Vision 20/20 Springfield Greene County Comprehensive Plan defines the redevelopment area as being located within Center City.

Center City Vision Statement (1-1, Center City Element)

“Center City is everybody’s neighborhood; a place to live, work and play. A place where people of all ages, backgrounds and interests are welcome to enjoy a vibrant, dynamic, and growing environment. Center City is an exciting, inviting, livable place. Center City is clean, safe, friendly, and accessible to all (1-1, Center City Element).”

The Redevelopment is removing housing which is not “clean, safe, (or) friendly” and replacing it with by-the-bed residential units which will be “exciting, inviting, (and) livable,” as well as “clean, safe, (and) friendly.” It’s foreseeable that the units will be primarily occupied by students who will likely live, work, and be educated within Center City.

Issues and Forces (2-12, Center City Element)

In Figure 8 on page 2-11 of the Center City Element of the Vision 20/20 Springfield Greene County Comprehensive Plan (See Exhibit D), the Redevelopment Area is identified as being within a neighborhood that is a “Link” between MSU (SMSU) and Greater Downtown.

This area has been identified as an important neighborhood linking two Major activity centers, and presents some suggestions for better “linkage.”

“Least well defined are the paths that psychologically and visually link the residential areas to the commercial or public areas. It may be possible to strengthen these connections with landscaping, lighting, signage, and building placement. Better integration of peripheral housing could support the

businesses, enhance the feeling of living in Center City, and support property values (2-12, Center City Element).”

The Redevelopment will create “better integration of peripheral housing (that) could support the businesses”. There are businesses located within only a few hundred feet of the Redevelopment area, yet the Redevelopment Area is in a High-Density Multi-Family Residential District

The Redevelopment will also do its part to “strengthen these connections with landscaping, lighting... and building placement.” The Redevelopment will be removing antiquated housing, and by nature of new development will be required to abide by all guidelines set forth in the Zoning Ordinance which will improve upon the site’s landscaping, lighting, and building placement (setbacks).

V. Redevelopment Plan Objectives and Strategies

There are two primary objectives of the Redevelopment; (a) to remove deteriorated housing that does not present a safe, clean choice as an environment to live, and (b) to replace with new units to be leased by-the-bed that follow the plans and objectives of the Vision 20/20 Springfield Greene County Comprehensive Plan as set forth in this Redevelopment Plan.

Land Use Plan

A.) Former and Existing Land Use

The Redevelopment Area currently consists of a four (4) unit apartment building that is approximately 100 years old and in unlivable condition. There is also a secondary structure that is a shed/carport.

B.) Proposed Land Use

The proposed land use is for between three (3) and five (5) townhouse-style multi-family units. There will be one (1) structure with a maximum height of three (3) stories. The property will be leased by-the-bed and there will be approximately 8-12 total bedrooms. The Redevelopment will substantially conform to the attached Site Plan in Exhibit E.

C.) Financing

The developer is utilizing conventional financing to finance this project.

D.) Disposition of the Property

No land is proposed to be disposed of within the Redevelopment Area.

E.) Plan for Relocation Assistance

All four (4) units were vacant at the time the developer took ownership of the property. They remain vacant, so no relocation assistance will be necessary.

F.) Redevelopment Schedule and Estimated Date of Completion

- Plans finalized and approved by February 2016
- Demolition and site prep by February 2016
- Construction to begin by March 2016
- Completion of project by June 2016

G.) Taxation

The Developer or its successors in interest may apply to the Land Clearance for Redevelopment Authority for tax relief pursuant to sections 99.700 to 99.715 of the Missouri Revised Statutes, 2000.

H.) Covenants

The Redevelopment Plan shall run with the land for a period of twenty years for the date of final approval (at which point it shall expire and shall be of no further force or effect) and shall, during such time, require the Developer and any successors in interest to redevelop and use the real property within the Redevelopment Area in accordance with the Redevelopment Plan if they wish to benefit from tax relief available under Sections 99.700 to 99.715 of the Missouri Revised Statutes, 2000.

Other Provisions

A.) Compliance with General Plans

As described herein, the Redevelopment Plan complies with the objectives of the Springfield-Greene County Comprehensive Plan.

B.) Compliance with State and Local Law

The Redevelopment Plan shall be implemented in conformance with the requirements of state and local law.

C.) Population Density

The Redevelopment will provide no more than five (5) units located within the Redevelopment Area of approximately .1837 acres (8,000 square feet) for a density of no more than 27 units per acre. The High-Density Multi-Family Residential District (R-HD) zoning allows a maximum of forty (40) units per acre. This would be a maximum of Fifty-Four (54) residents per acre.

D.) Public Facilities

It is not anticipated at this time that the Redevelopment will require any additional public facilities or utilities.

E.) Codes, Ordinances, and Zoning

There is no anticipated change to zoning ordinances or maps, street layouts, street levels or grades, building codes, or ordinances.

VI. Procedure and Changes or Modification of Plan

Upon application by the Developer or its successors in interest, the Redevelopment Plan may be amended or modified by the Land Clearance for Redevelopment Authority with consent of the Planning and Zoning Commission. When the proposed amendment or modification substantially changes the Redevelopment Plan, the City Council must also approve the amendment or modification.

EXHIBIT A
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF GREENE, STATE OF MISSOURI, AND IS DESCRIBED AS FOLLOWS:

The West Half (W-1/2) of Lot 73, SOUTHERN ADDITION, City of Springfield, Greene County, Missouri.

EXHIBIT B
PICTURES OF THE BLIGHTING CONDITIONS











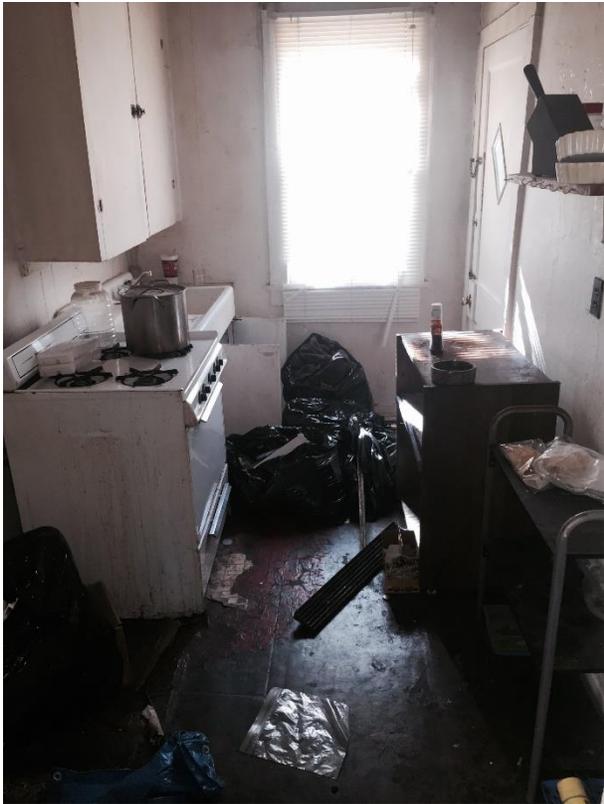
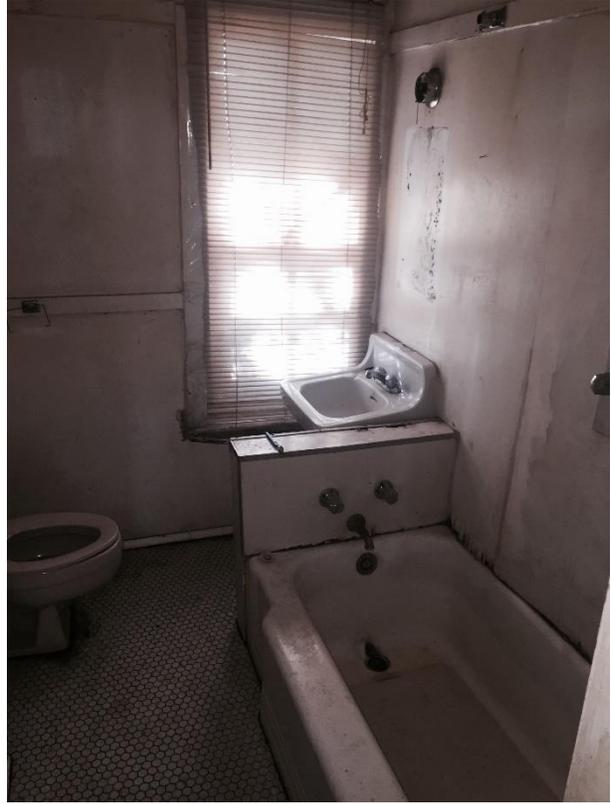




EXHIBIT C
ACTIVITY CENTERS

Figure 18.5 of the GMLUP



EXHIBIT D

LINKAGE

Figure 8 on Page 2-11 of the Center City Element of the Vision 20/20 Springfield Greene county Comprehensive plan

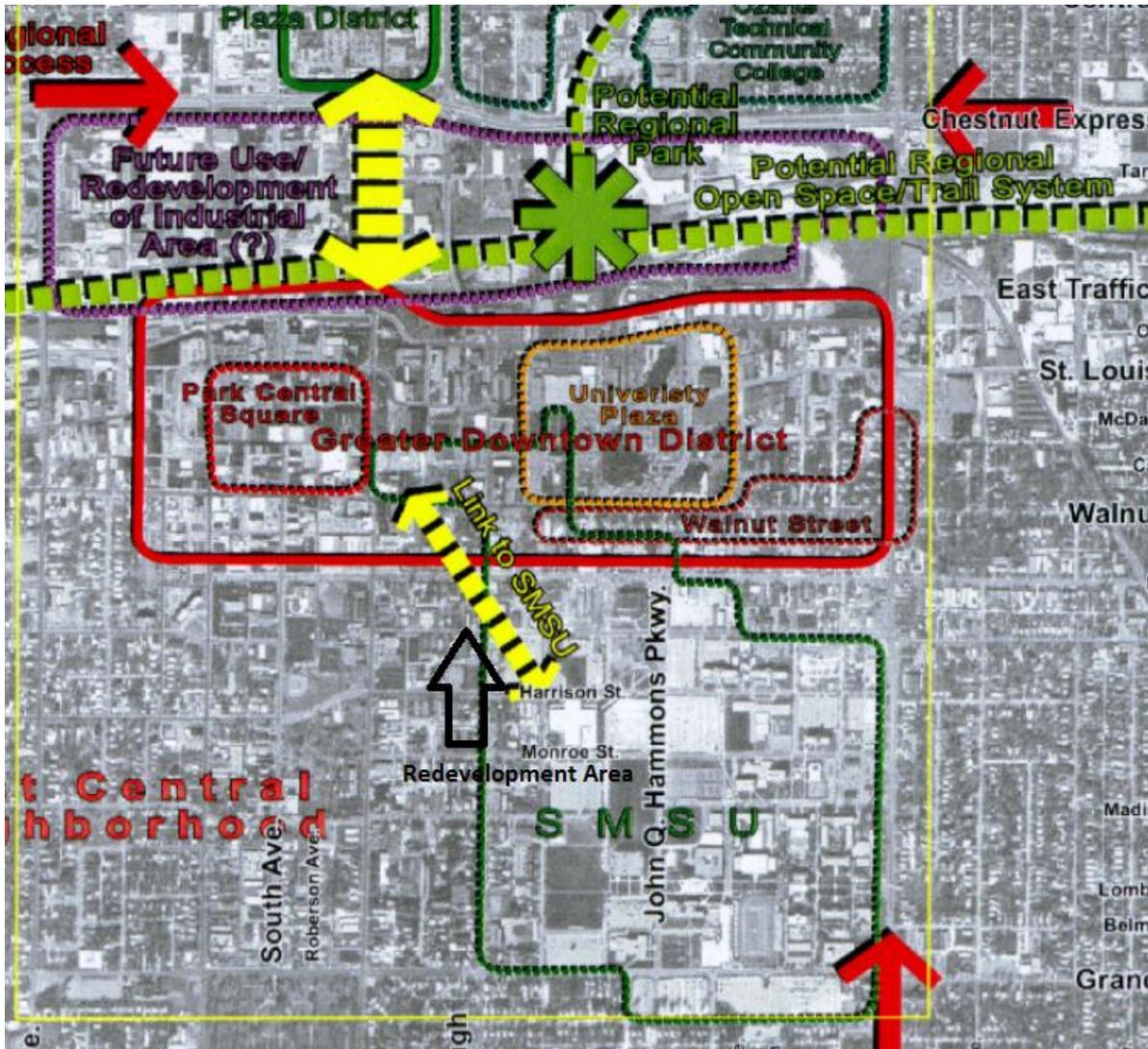
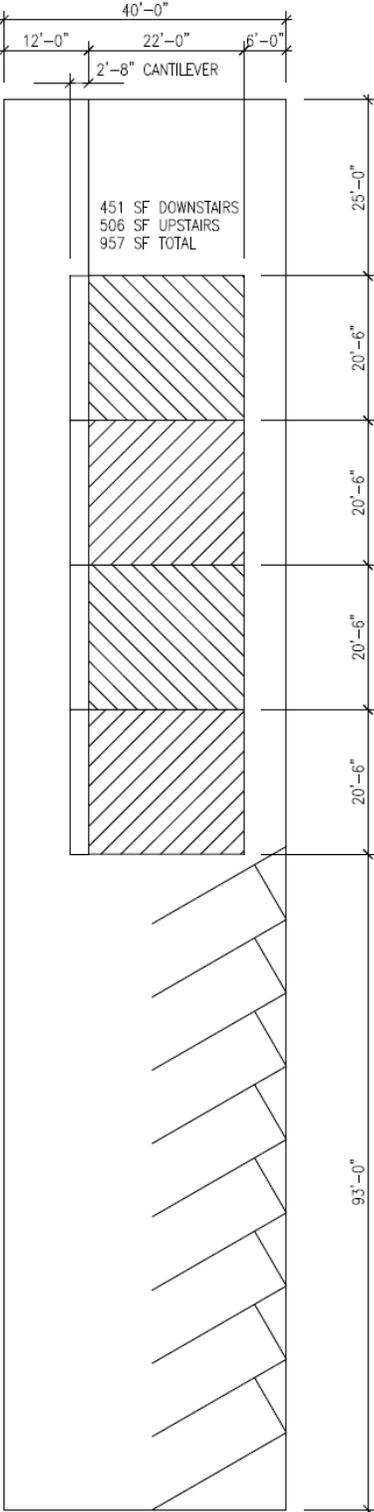


EXHIBIT E
PROPOSED SITE PLAN



516 E CHERRY
1"=20'-0"

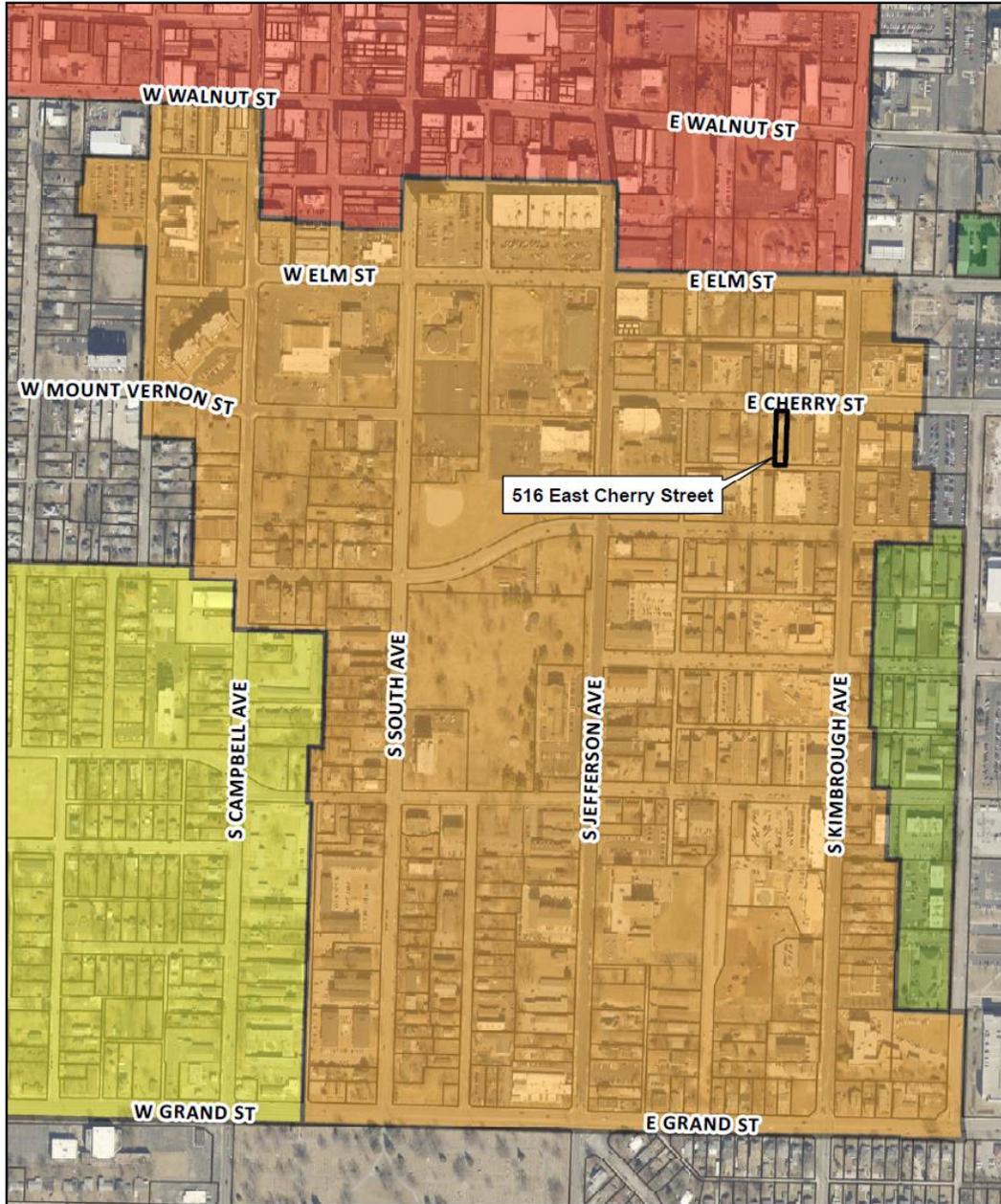
EXHIBIT F
EXISTING SITE MAP

From the Green County Assessor's Website



EXHIBIT G

Redevelopment Area within South Central "A" Urban Renewal Area



Blighted Areas (Chapter 99)

- | | | |
|--|---|--|
|  Deep Elm |  Grant Avenue Playground |  Downtown |
|  (former) SW MO State College |  South Central "A" | |



One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 02-02-16

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016-040

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 78 – Offenses and Miscellaneous
2 Provisions, Article I – In General by repealing Section 78-2 – Aggressive
3 solicitation in its entirety.
4
5

6 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
7 MISSOURI, as follows, that:
8

9 NOTE: Language to be deleted is ~~stricken~~.

10
11 Section 1 – The Springfield City Code, Chapter 78 – Offenses and Miscellaneous
12 Provisions, Article I – In General, is hereby amended by repealing Section 78-2 –
13 Aggressive solicitation, in its entirety:
14

15 ~~Sec. 78-2. – Aggressive Solicitation.~~

16
17 ~~(a) Intent.~~

18
19 ~~(1) This section is intended to protect citizens from the fear and intimidation~~
20 ~~accompanying certain kinds of solicitation that are unwelcome. Aggressive~~
21 ~~solicitation usually includes approaching or following pedestrians, repetitive~~
22 ~~soliciting despite refusals, the use of abusive or profane language to cause~~
23 ~~fear and intimidation, unwanted physical contact, or intentional blocking of~~
24 ~~pedestrian and vehicular traffic. The council finds that the presence of~~
25 ~~individuals who solicit money from persons at or near banks or automated~~
26 ~~teller machines or in public transportation vehicles is especially troublesome~~
27 ~~because of the enhanced fear of crime in those confined environments.~~
28 ~~Such activity carries with it an implicit threat to both persons and property.~~
29

30 ~~(2) The law is not intended to limit any person from exercising their~~
31 ~~constitutional right to solicit funds, picket, protest or engage in other~~
32 ~~constitutionally protected activities.~~
33

34 ~~(b) Definitions. For purposes of this section, the following definitions shall apply:~~

35 ~~Aggressive manner means:~~

36
37
38 ~~(1) Intentionally or recklessly making any physical contact with or touching~~
39 ~~another person in the course of the solicitation without the person's consent~~
40 ~~with the intent to intimidate;~~

41
42 ~~(2) Following the person being solicited, if that conduct is:~~

43
44 ~~a. Intended to or is likely to cause a reasonable person to fear imminent~~
45 ~~bodily harm or the commission of a criminal act upon property in the~~
46 ~~person's possession; or~~

47
48 ~~b. Intended to or is reasonably likely to intimidate the person being~~
49 ~~solicited into responding affirmatively to the solicitation;~~

50
51 ~~(3) Continuing to solicit within five feet of the person being solicited after the~~
52 ~~person has made a negative response, if continuing the solicitation is:~~

53 ~~a. Intended to or is likely to cause a reasonable person to fear imminent~~
54 ~~bodily harm or the commission of a criminal act upon property in the~~
55 ~~person's possession; or~~

56
57 ~~b. Intended to or is reasonably likely to intimidate the person being~~
58 ~~solicited into responding affirmatively to the solicitation;~~

59
60 ~~(4) Intentionally or recklessly blocking the safe or free passage of the person~~
61 ~~being solicited with intent to intimidate, or requiring the person or the driver~~
62 ~~of a vehicle to take evasive action to avoid physical contact with the person~~
63 ~~making the solicitation. Acts authorized as an exercise of one's~~
64 ~~constitutional right to picket or legally protest, and acts authorized by a~~
65 ~~permit issued pursuant to this Code, shall not constitute obstruction of~~
66 ~~pedestrian or vehicular traffic;~~

67
68 ~~(5) Intentionally or recklessly using obscene or abusive language or gestures~~
69 ~~intended to or likely to cause a reasonable person to fear imminent bodily~~
70 ~~harm or the commission of a criminal act upon property in the person's~~
71 ~~possession, or words intended to or reasonably likely to intimidate the~~
72 ~~person into responding affirmatively to the solicitation; or~~

73
74 ~~(6) Approaching the person being solicited in a manner that is:~~

75
76 ~~a. Intended to or is likely to cause a reasonable person to fear imminent~~
77 ~~bodily harm or the commission of a criminal act upon property in the~~
78 ~~person's possession; or~~

79

80 b. ~~Intended to or is reasonably likely to intimidate the person being~~
81 ~~solicited into responding affirmatively to the solicitation.~~

82
83 ~~*Automated teller machine* means a device, linked to a financial institution's~~
84 ~~account records, which is able to carry out transactions, including but not limited to~~
85 ~~account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and~~
86 ~~loan payments.~~

87
88 ~~*Automated teller machine facility* means the area comprised of one or more~~
89 ~~automated teller machines and any adjacent space which is made available to~~
90 ~~banking customers after regular banking hours.~~

91
92 ~~Bank means any banking corporation, credit union or savings and loan licensed~~
93 ~~by the state or the United States of America.~~

94
95 ~~*Intimidate* means to engage in conduct, which would make a reasonable person~~
96 ~~fearful or feel compelled.~~

97
98 ~~*Panhandling* means any verbal solicitation made in person upon any public~~
99 ~~street, sidewalk, alley, park or other public place, in which a person requests an~~
100 ~~immediate donation of any item of value, monetary or otherwise from another~~
101 ~~person, and includes but is not limited to seeking donations of any item of value,~~
102 ~~monetary or otherwise:~~

103
104 ~~(1) By spoken appeal; and~~

105
106 ~~(2) Where the person being solicited receives an item of little or no monetary~~
107 ~~value in exchange for a donation, under circumstances where a reasonable~~
108 ~~person would understand that the transaction is in substance a donation.~~

109
110 ~~*Public area* means an area to which the public or a substantial group of persons~~
111 ~~has access, and includes but is not limited to alleys, bridges, buildings, driveways,~~
112 ~~parking lots, parks, playgrounds, plazas, sidewalks and streets open to the general~~
113 ~~public, and the doorways and entrances to buildings and dwellings, and the grounds~~
114 ~~enclosing them.~~

115
116 ~~*Solicit* means to request an immediate donation of money or other thing of~~
117 ~~value from another person, regardless of the solicitor's purpose or intended use of~~
118 ~~the money or other thing of value. The solicitation may be, without limitation, by the~~
119 ~~spoken, written or printed word or by other means of communication.~~

120
121 ~~(c) Prohibited acts. It shall be unlawful for any person to solicit money or other~~
122 ~~things of value or to solicit the sale of goods or services:~~

123
124 ~~(1) In an aggressive manner in a public area.~~
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~~(2) In any public transportation vehicle or bus.~~

~~(3) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property.~~

~~(4) By spoken, written or printed appeal within five feet of a curb edge, sidewalk, shoulder, intersection median, or highway off ramp.~~

~~(d) It shall be unlawful to panhandle in any manner, including within 20 feet, in any direction, from any entrance or exit to any:~~

~~(1) Office or office building;~~

~~(2) Commercial establishment engaged in the sale of goods or services;~~

~~(3) Bank, credit union, check cashing business, automated teller machine, or other financial institution;~~

~~(4) Single or multi-family residence or residential complex; or~~

~~(5) Within 20 feet of any outdoor dining area, outdoor restaurant, or outdoor cafe.~~

~~(e) Construction and severability.~~

~~(1) This section is not intended to proscribe any demand for payment for services rendered or goods delivered.~~

~~(2) This section is not intended to create a result through enforcement that is absurd, impossible or unreasonable. This section should be held inapplicable in any cases where its application would be unconstitutional under the constitution of the state or the Constitution of the United States of America.~~

Section 2 – This ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

172 Filed as Ordinance: _____

173

174

175 Approved as to form: Rhonda Lewaden, Assistant City Attorney

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178 Approved for Council action: Greg Burt, Assistant City Manager

EXPLANATION TO COUNCIL BILL NO. 2016-040

FILED: 02-02-16

ORIGINATING DEPARTMENT: Law Department

PURPOSE: To amend the Springfield City Code, Chapter 78 – Offenses and Miscellaneous Provisions, Article I. – In General by repealing Section 78-2 – Aggressive solicitation in its entirety.

BACKGROUND: The recent decision of Reed v. Town of Gilbert by the United States Supreme Court regarding the First Amendment right of free speech has caused several federal courts to strike down municipal panhandling and aggressive solicitation ordinances similar to City Code Section 78-2. Per City Council's instruction, City staff will review the recent decisions and provide recommendations about a possible new code section that conforms to the recent decisions made by the federal courts.

Submitted by:



Rhonda Lewsader, Assistant City Attorney

Recommended by:



Dan Wichmer, City Attorney

Approved by:



Collin Quigley, Assistant City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 02-02-16

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016-041

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the addition of one full-time residential construction and zoning
2 inspector to the Building Development Services Department (BDS).
3 _____
4

5 WHEREAS, over the past several months BDS has seen an increase in the
6 number of complaints regarding residential structures and the environmental conditions
7 that people are living in; and
8

9 WHEREAS, complaints which had averaged one per month have increased to
10 one or more complaints per week; and
11

12 WHEREAS, it is anticipated that these numbers will continue to increase over
13 time with the Zone 1 Blitz Program; and
14

15 WHEREAS, in order to effectively enforce the minimum housing standards as
16 found in Chapter 74 of the City Code, a minimum of 3 specialty inspectors are required
17 to properly investigate each case; and
18

19 WHEREAS, this new position, along with the required training and certifications,
20 will allow the inspections to be performed by one qualified inspector; and
21

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

25 Section 1 – The addition of one full-time residential construction and zoning
26 inspector to BDS is hereby authorized.
27

28 Section 2 – The budget of the Building Development Services Department, for
29 Fiscal Year 2015-2016 is hereby amended in the amount of \$19,750, with the funding to
30 be for the last three months of the fiscal year, April through June 2016, "Exhibit A."
31

32 Section 3 – This ordinance shall be in full force and effect from and after
33 passage.

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Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: *Duke McDonald*, Assistant City Attorney

Approved for Council action: *Guy Burt*, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 041

FILED: 02-02-16

ORIGINATING DEPARTMENT: Building Development Services

PURPOSE: To authorize the addition of one full-time Residential Construction and Zoning Inspector (PAT 8) and amend the budget of the Building Development Services (BDS) department for Fiscal Year 2015-2016 in the amount of \$19,750. This funding will be for the last three months of the fiscal year, April through June 2016.

BACKGROUND INFORMATION: Over the past several months BDS has seen an increase in the number of complaints regarding residential structures and the environmental conditions that people are living in. What has historically been a one property per month incidence has increased to one or more cases per week. It is anticipated that these numbers will continue to increase over time with the Zone 1 Blitz Program.

In order to effectively enforce the minimum housing standards as found in Chapter 74 of the City Code a minimum of 3 specialty inspectors (i.e., structural, plumbing, heating), are required to properly investigate each case. This new position along with the required training and certifications will allow the inspection to be performed by one qualified inspector.

Supports the following Field Guide 2030 goal(s): Chapter 7, Housing; Major Goal 6, Identify a two-year pilot program to evaluate advantages and disadvantages of rental registration and Inspection program. A large number of rental units exist that do not meet safety and habitability standards; Objective 6a, To provide safer, more structurally-sound rental housing by requiring adherence to building codes and updated electrical, plumbing, and heating code compliance.

REMARKS: Building Development Services recommends passage of this Council bill and budget adjustment.

Recommended by:



Chris Straw, Director
Building Development Services

Approved by:



Greg, Burris, City Manager

One-rdg. X
P. Hrngs. _____
Pgs. 20
Filed: 02-02-16

Sponsored by: Fisk

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 042

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept and appropriate a
2 Waste District "O" grant in the amount of \$28,859 for the purpose of
3 purchasing a variety of recycling containers for use at City-operated
4 facilities; and amending the Environmental Services Department,
5 Fiscal Year 2015-2016 budget in the amount of \$28,859.
6
7

8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
9 MISSOURI, as follows,

10
11 Section 1 – The City Manager, or his designee, is hereby authorized to accept
12 and implement a Waste District "O" grant, in the amount of \$28,859 for the purpose of
13 purchasing a variety of recycling containers for use at City-operated facilities, said
14 application substantially in form and content as that attached hereto as "Exhibit A," and
15 to do all things necessary to carry out the intent of the grant, including the execution of
16 contracts as may be required.
17

18 Section 2 – The budget for the Department of Environmental Services for fiscal
19 year 2015-2016 is hereby amended in the accounts and in the amounts as shown on
20 Budget Adjustment No. 0034, a copy of which is attached hereto and incorporated
21 herein by reference as "Exhibit C."
22

23 Section 3 – The City Manager is directed to cause the appropriate accounting
24 entries to be made in the books and records of the City for fiscal year 2015-2016, and
25 successive years thereafter to reflect the total amount of the grant. In the event
26 additional funding is provided under this grant by the grantor, the Finance Director of
27 the City is hereby authorized to adjust this appropriation by an amount not to exceed
28 20% of the sum shown in "Exhibit C," provided this amount shall not exceed \$20,000.
29

30 Section 4 – The City Council hereby finds and declares this ordinance relates to
31 the acceptance of grant funds from a state or federal agency and may be passed as a
32 one-reading ordinance pursuant to Section 2.16 (25) of the City Charter. Therefore,
33 this ordinance shall be in full force and effect from and after passage.

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Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL NO: 2016 -042

FILED: 02-02-16

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: To authorize the City Manager, or his designee, on behalf of the City, to accept Missouri Solid Waste District "O" (District O) grant funds in the amount of \$28,859 for the purpose of purchasing a variety of recycling containers for use at City-operated facilities, and to approve a budget adjustment amending the Environmental Services Department, Fiscal Year 2015-2016 budget, in the amount of \$28,859 to appropriate the grant funds from District O.

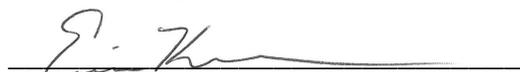
BACKGROUND INFORMATION: In December of 2014, the City of Springfield submitted a Sub-grantee Application for Funding, "Exhibit A," to District O to fund the purchase of a number of recycling collection containers for use at City-operated facilities, such as the Airport, Park Board Family Centers, Busch Building and other offices in the Government Plaza, and Police Stations as well as others for general distribution. This grant will reimburse the City up to \$28,859 for the purpose of purchasing these containers and does not require a match from the City.

REMARKS: This Council bill will authorize the City Manager to enter into a Financial Assistance Agreement with District O, "Exhibit B," and accept the grant. There is no match required for this grant. Environmental Services recommends approval of this Council bill because it expands and enhances our current commitments to waste reduction and recycling. This grant is from District O funds and it is collected from a fee placed on every ton of solid waste deposited in Missouri Landfills.

Supports the following Field Guide 2030 goal(s): Chapter 8, Natural Environment; Major Goal 9, Reduce solid waste and improve recycling within our community; Objective 9b, Advertise recycling outlets. Expand participation in existing recycling opportunities through increased educational efforts including the use of paid advertising in addition to current efforts. This includes working with private businesses, waste haulers, and others involved in the recycling activities in Springfield; and 9d, Regional Recycling Leadership - The City shall take a leadership role in assisting area municipalities with their recycling/waste reduction programs via cooperation with Solid Waste Management District "O." One example includes making the service of the Household Chemical Collection Center available to the surrounding five-county area of the Waste District, with funding assistance from the Waste District

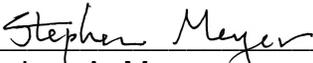
REMARKS: Environmental Services recommends passage of this Council bill and budget adjustment.

Submitted by:



Errin Kemper,
Assistant Director of Environmental Services

Recommended by:



Stephen A. Meyer,
Director of Environmental Services

Approved by:



Greg Burris, City Manager

AKC

Missouri Solid Waste Management District O

2015 Subgrantee Application for Funding

Under authority of RSMo. Subject to pertinent legislation, regulations, and policies applicable to RSMo 260.330 & 260.335

1. Applicant Information:

Name of Applicant	The City of Springfield
Legal Name of Business or Organization	Department of Environmental Services
Mailing Address	290 E Central St., Springfield, MO 65802
Telephone	417-864-2005
Fax	417-864-1906
Email	blucks@springfieldmo.gov
MO Vendor # <u>OR</u> Federal Tax ID # <u>OR</u> SSN # of Owner	Federal Tax ID: 44-6000268
Type of Applicant - Check One	<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Public Entity or Institution <input type="checkbox"/> Business <input type="checkbox"/> Non Profit Organization <input type="checkbox"/> Other [Describe]
Name of Authorized Official	Greg Burris
Authorized Official Title	City Manager
Mailing Address	P.O. Box 8368 Springfield, MO 65081
Telephone	417-864-1006
Fax	417-864-1912
Email	gburris@springfieldmo.gov
Name of Project Manager	Barbara Lucks
Project Manager Title	Sustainability Officer
Mailing Address	290 E. Central, Springfield, MO 65802
Telephone	417-864-2005
Fax	417-864-1906
Email	blucks@springfieldmo.gov

2. Project Information:

Amount Requested	\$28,859
Amount of Match	—Not required by Solid Waste Management District O—
Estimated Project Income, if any	None
Name of Project	The City of Springfield Recycling Enhancement Program
Location of Project	Springfield, MO
Description of Area(s) to be served	Springfield, MO
Type of Project - Check One	<input checked="" type="checkbox"/> City/County <input type="checkbox"/> District-Wide <input type="checkbox"/> Plan Implementation
This Project is - Check One	<input checked="" type="checkbox"/> An expansion of a current business <input type="checkbox"/> A new business <input type="checkbox"/> A new venture for an existing business <input type="checkbox"/> Other (describe):
List the type(s) and quantity of reduced, reused, and/or recycled material(s) diverted from the waste stream during the grant period:	Mixed paper, cardboard, mixed plastic, and aluminum cans. Quantities to be determined
For educational projects, list the estimated number of people educated/contacted, number of programs conducted, etc.	

3. Ineligible Costs:	Is the application free of all ineligible costs listed? If so, please enter "Yes" in the fields below.
Operating Expenses not directly related to district operations or project activities	Yes
Costs incurred prior to the project start date or after project end date	Yes
Taxes, legal costs, fines, penalties, and gifts	Yes
Contingency funds	Yes
Land Acquisition	Yes
4. Previous Funding	In the spaces below, list all financial assistance the applicant has received from Missouri Department of Natural Resources' Solid Waste District Waste Reduction Grants from 1994 to present. Include the year the grant was awarded, Grant or Project Number, amount of the grant award, and purpose of the grant. Use an additional page(s) if necessary.
Missouri Solid Waste District O Grants Received:	
	# 97036-Paint Can Crusher \$12,735 #98087-Compactor \$13,450 #98091-Skid Loader \$0 (Item Returned) #2003135-Containers \$19,590 #2007-06-bins \$22,500 #2007- Government Plaza Recycling \$6845, #2010- Glass crushing \$25,000 (returned), #2012 Special Events Recycling Trailer \$9,100, #29760- glass crushing \$49,300 (Returned), #2014- recycling bins \$12,246.26 (returned)
District Grants From Other Missouri Solid Waste Districts:	
	Participated in HHW grant with Districts M&N-1990's, Participated in Market Development grant with Districts M&N-1990's.
5. Verification of Waivers	
Upon signature and submission of this 2015 Subgrantee Application for Funding, I (We) hereby certify that all waivers, permits, licenses, approvals, security interest documentation or title have been obtained, applied for, or will be applied for.	
6. Statement of Zoning Compliance	
Upon signature and submission of this 2015 Subgrantee Application for Funding, I (We) hereby certify that this proposal and all tasks therein are in compliance and will remain in compliance with all local zoning laws.	
I (We) hereby certify that the information provided in this 2015 Sugrantee Application for Funding is true and correct and conforms with the Waste Reduction Application guidance document and all applicable laws and rules. I (We) have sufficient resources to conduct this project while awaiting receipts of reimbursement(s).	
	12/12/14
Signature of Authorized Official	Date

Missouri Solid Waste Management District O

2015 Subgrantee Application Checklist

Before submitting a District Application for Funding, you MUST complete this form. Only if you can answer "Yes" to all questions on this form should it be submitted to the District. Do not complete Section 2, as District O does not accept grant applications over \$50,000. **This checklist MUST be signed, dated, and attached to the 2015 Subgrantee Application for Funding.**

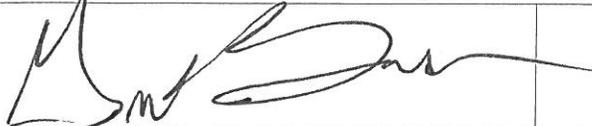
1. For projects \$50,000 and under, does the Subgrantee Proposal Include:

	Yes?	Page Number/Where Documented
Executive Summary		Pg 1- Section I
Physical Location of the Project		Pg 1 - Section II
Work Plan		Pg 1 - Section III
Time Table		Pg 1 - Section III
Detailed Line Item Budget		Page 1 - Section IV
Verification of Waivers		Page 2 - Section V
Statement of Zoning Compliance		Page 2 - Section VI
Evaluation Procedures		Page 2 - Section VII
Qualifications of Key Personnel		Page 2 - Section VIII
Price Quote on Vendor Letterhead for any equipment in budget		See Attachment
Supporting documentation for ANY items in budget exceeding \$5,000		See Attachment
Bid specifications for equipment in budget [if applicable]		Page 2 & 3 - Section X
Match Commitment Documentation		N/A —Not required by Solid Waste Management District O—

2. In addition to the information listed above, do projects over \$50,000 include:

Engineering Plans/Specifications for Facilities or Equipment	Not Applicable
A Financial Report, Including:	Not Applicable
Three Year Business Plan	Not Applicable
Description of Project Financing	Not Applicable
Credit History	Not Applicable
Up to Three Years Previous Financial Statements	Not Applicable

I (We) hereby certify that the information provided in this 2015 Subgrantee Application Checklist is true and correct.



12/12/14

Signature of Authorized Official

Date

Attachments Required: See Instruction Packet for more information	
Executive Summary	
Detailed Line Item Budget	
Work Plan	
Time Table	
Evaluation Procedures	
Qualifications of Key Personnel	
Price Quote on Vendor Letterhead for Equipment in Budget	
Supporting Documentation for ANY items in Budget exceeding \$5,000	

City of Springfield- Solid Waste Division

I. Executive Summary

The City of Springfield has maintained a long-standing commitment to recycling and to offering the citizens of Springfield and Greene County the most convenient and efficient opportunities for recycling. The Busch Building, which serves as the main public office of Springfield's City government, hosts thousands of visitors each year for meeting and conducting City business. Additionally, an approximate 63,000 people visit our Parks sporting facilities, and another 31,480 people (not including friends and family members,) visit the Springfield-Branson National airport monthly. This grant application for funding seeks to provide additional recycling containers to enhance the current recycling programs in place at these public areas of City operations. All containers will be placed and serviced by existing City staff.

The newly created Environmental Resource Center (ERC) serves as the home of the education outreach and administrative functions for the City's Solid Waste Management, Air Quality, Water Quality, and new Sustainability Division, as well as the location of the Resource Center that offers educational materials, technical assistance, and meeting/conferencing facilities to area business and volunteer groups as well as formal and non-formal educators. The local not-for-profit Ozark Greenways, Inc. is also housed in the ERC. Dedicated in October, 2012, several local environmental/conservation groups have already moved their regular meetings and activities into the meeting/conference facilities at the LEED certified gold-level ERC.

II. Location

Equipment will be available to the public at the Busch Building, Environmental Resource Center, Springfield-Branson National Airport, and Parks Sports Complexes in the City of Springfield.

III. Work Plan/Time Table

Equipment will be purchased and put into service as soon as possible.

Time Table												
Task	Month											
	1	2	3	4	5	6	7	8	9	10	11	12
01: Secure Quotes & Place Order												
02: Receive Recycling Bins												
03: Place Recycling Bins												
04: Submit Quarterly Reports												
05: Submit Final Report												

IV. Line Item Budget

LINE ITEM BUDGET			
Line Item	Grant Funds	Match	Quantity
23 gallon Wastewatcher stations (set of 3). Includes: 3 containers, 3 lids, 3 signs, and 2 connectors	\$17,226	\$0	54

14 qt. deskside recycling bins (tall)	\$577.50	\$0	125
14 qt. deskside recycling bins (flat)	\$458.75	\$0	125
Shipping (from Busch Systems)	\$421.20	\$0	
35 gallon bottle shaped centers with weighted bases	\$7,427	\$0	60
21 gallon plastic curbside bins	\$1,195	\$0	100
Single cardboard recycling bins	\$975	\$0	100
Combo cardboard recycling bins	\$1,000	\$0	100
TOTAL BUDGET	\$28,859	\$0	
Percentages	100%	\$0	

V. Verification of Waivers

No known federal, state, and local permits, approvals, licenses, security interest, or waivers are known to be necessary to implement the project, but will be obtained or will be applied for if necessary.

VI. Statement of Zoning Compliance

The project does not require any compliance with all local zoning laws. However, if required, the City of Springfield will comply with local zoning laws.

VII. Evaluation Procedures

Volume stats on the materials collected will be maintained.

VIII. Qualifications of Key Personnel

Barbara Lucks has served the City of Springfield since 1994, currently as the Sustainability Officer for the City of Springfield in the Department of Environmental Services. She has extensive experience in implementing and maintaining recycling programs in the Springfield area. Prior to the Sustainability Officer's position, she served as the Materials Recovery/Education Coordinator. Barbara has also served as the Project Coordinator on previous Waste District "O" grant projects.

IX. Estimated Project Income

There is no income for this project.

X. Bid Specifications

Location	Quantity	Type
Springfield-Branson Airport	20	23 gallon Wastewater stations (set of 3). Includes: 3 containers, 3 lids, 3 signs, and 2 connectors
Busch Building & ERC	10	
Ice Park	4	
Wastewater Treatment Plants	2	
Parks offices	5	
Police Stations	5	
Fire Stations	8	
City Offices	125	14 qt. deskside recycling bins (tall)

	125	14 qt. deskside recycling bins (flat)
Springfield/Greene County Parks Sports Complexes	60	35 gallon bottle shaped centers with weighted bases
Special Events	100	21 gallon plastic curbside bins
	100	Single cardboard recycling bins
	100	Combo cardboard recycling bins

XI. Price Quotes

See attachments 1, 2, & 3



BUSCH SYSTEMS
 Busch Systems International Inc.
 81 Rawson Ave
 Barrie, ON L4N 6E5

Phone: 800-565-9931 Fax: 705-722-8972
 Website: www.buschsystems.com

Sales Quote

Sales Quote Number: SQ14-005139

Sales Quote Date: 9/2/2014	Expiry Date: 1/1/2015	Terms: NET 30 DAYS
Customer ID: SPRIN2	Tax Exemption No.: 44-6000268	Account Rep: JONATHON METCALFE

Sell: CITY OF SPRINGFIELD
To: KIMBERLY WHITE
 SOLID WASTE DIVISION
 P.O. BOX 8368
 SPRINGFIELD, MO 65801
Phone: (417) 864-2005 Ext. **Fax:** (000) 000-1906
Email: kwhite@springfieldmo.gov

Ship: CITY OF SPRINGFIELD
To: KIMBERLY WHITE
 840 BOONEVILLE AVE
 SPRINGFIELD, MO 65801
 United States
Phone: (417) 864-2022 Ext. **Fax:** (417) 459-9147
Email:

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Price</u>
WW-STATION-3	WASTEWATCHER STATION (TRIPLE)	54	Each	319.00	17,226.00
14Q-02ML	14QUART - MOBIUS LOOP ON 1 SIDE ROYAL BLUE	125	Each	4.62	577.50
BC1001-01ML	3 GAL DESKSLIDER - MOBIUS LOOP 2 SIDES BUSCH BLUE	125	Each	3.67	458.75
SIR21-01WR	21 US GAL - WE RECYCLE W/LOOP 2 SIDES BUSCH BLUE	100	Each	11.95	1,195.00
FREIGHT	FREIGHT CHARGES	1	Each	421.20	421.20

Subtotal: 19,878.45

Shipping Details

Dock Level Door	Yes	Call Prior to Delivery	USD	Total:	19,878.45
Accepts 53 FT	Yes	Fork Lift Onsite	Yes		
Tailgate Service	No	Delivery Hours			

TERMS

- No product is to be returned without our written authorization
- Goods returned must be shipped prepaid and are subject to a restocking fee
- 2% per month service charge on overdue accounts

This office will follow up with you within 24 hours to ensure you received this quotation. Quotation must be signed below to be official.

Customer Approval: _____ **Date:** _____



Busch Systems International Inc.
81 Rawson Ave
Barrie, ON L4N 6E5

Phone: 800-565-9931 Fax: 705-722-8972
 Website: www.buschsystems.com

Sales Quote

Sales Quote Number: SQ14-005139

COPY

Sales Quote Date: 9/2/2014	Expiry Date: 1/1/2015	Terms: NET 30 DAYS
Customer ID: SPRIN2	Tax Exemption No.: 44-6000268	Account Rep: JONATHON METCALFE

Sell: CITY OF SPRINGFIELD
To: KIMBERLY WHITE
 SOLID WASTE DIVISION
 P.O. BOX 8368
 SPRINGFIELD, MO 65801
Phone: (417) 864-2005 Ext. **Fax:** (000) 000-1906
Email: kwhite@springfieldmo.gov

Ship: CITY OF SPRINGFIELD
To: KIMBERLY WHITE
 840 BOONEVILLE AVE
 SPRINGFIELD, MO 65801
 United States
Phone: (417) 864-2022 Ext. **Fax:** (417) 459-9147
Email:

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Price</u>
WW-STATION-3	WASTEWATCHER STATION (TRIPLE)	54	Each	319.00	17,226.00
14Q-02ML	14QUART - MOBIUS LOOP ON 1 SIDE	125	Each	4.62	577.50
BC1001-01ML	ROYAL BLUE 3 GAL DESKSLIDER - MOBIUS LOOP 2 SIDES	125	Each	3.67	458.75
SIR21-01WR	BUSCH BLUE 21 US GAL - WE RECYCLE W/LOOP 2 SIDES	100	Each	11.95	1,195.00
FREIGHT	BUSCH BLUE FREIGHT CHARGES	1	Each	421.20	421.20

Subtotal: 19,878.45

Shipping Details

Dock Level Door	Yes	Call Prior to Delivery	USD	Total:	19,878.45
Accepts 53 FT	Yes	Fork Lift Onsite			
Tailgate Service	No	Delivery Hours			

TERMS

- No product is to be returned without our written authorization
- Goods returned must be shipped prepaid and are subject to a restocking fee
- 2% per month service charge on overdue accounts

This office will follow up with you within 24 hours to ensure you received this quotation. Quotation must be signed below to be official.

Customer Approval: _____ **Date:** _____



**YOUR PRODUCTS
OUR MERCHANDISING EXPERTISE
IN-STORE RESULTS™**

QUOTE

City of Springfield

QUOTATION # 12-SDW-067-999923

**DATE: DECEMBER 11, 2014
EXPIRATION DATE: JANUARY 11, 2015**

Item Code Number	Description	Qty	Price per unit
GEN47100 or RRR47100	Black PET Recycle Bottle with generic recycling graphics	Minimum is 1 unit	\$94.95 each
XXX47100	Black PET Recycle Bottle with CUSTOM recycling graphics	Minimum is 50 units	\$94.95 each
MNO47900	Optional Weight Base	Minimum is 1 unit	\$16.50 each
Art/Screen	one-time art and film charges: (4-color process; 55 line silkscreen)	FOR CUSTOM GRAPHICS ONLY	\$1,895.00
Tooling/Die			N/A
P-O-D	Only if required by account (\$5.00 each shipment)		
Shipping and Handling	Drop shipments for shipping to various locations (\$4.50 per location)		
Warehousing	See warehousing and storage terms and conditions (\$2.00/pallet/day)		
Sales Tax	As required by law in MO, FL, CA, GA, NJ, TX		
Freight	Freight is based on final purchase order and billed as applicable FOB St. Louis, MO	ESTIMATED FREIGHT RATE for 60 units (without weight bases) shipping to Springfield, MO 65802 \$739.40 – quote #1131	

Special Instructions: Pricing is valid for 30 days and is based on full quantity on one purchase order.
 *all visuals shown for positioning only - subject to change
 **all lead times are estimates; actual lead times will be verified at time of order

Quotation prepared by: Dawn Bonin
Inside Sales Rep
314-890-1740

Danny Black
National Account
Manager
314-910-3486

Gregg Crews
VP National Accounts
314-890-1690

This document is confidential and intended solely for the intended recipient(s).
If you are not the named recipient you should not read, distribute, copy or alter.

This quotation on the goods named is subject to terms and conditions. Pricing is based on full quantity on one purchase order. Please include the quotation number above when placing your purchase order. Thank you for considering Presence From Innovation, LLC to be your merchandising solutions provider.

To accept this quotation, sign here and return: _____

Thank you for this opportunity!

TERMS AND CONDITIONS OF SALE

PAYMENT/TERMS: New accounts are subject to credit review. Terms will be determined upon review of credit application. Payment is due within stated terms of invoice. A 1.5% per month late payment charge will be added to any unpaid balance over payment terms.

PRODUCTION: We must receive a confirmed purchase order, any up-front payment, delivery locations and shipping schedule before production begins processing your order.

ORDERS: All first time orders will receive a manual invoice for 100% of the art/screen charges and 50% of the equipment charges to be paid up-front before production begins, unless prior management approval received.

RESTOCKING: A restocking fee of \$25 or 20% (whichever is greater) of the equipment price will be charged on any authorized return not related to quality issues. A Return Goods Authorization Number ("RGA") is required prior to product being returned.

RETURN GOODS AUTHORIZATION: Returns, with an approved RGA, must be received within 30 days of shipment, unless RGA is related to quality issues. If product from an approved RGA is not received within 30 days, customer is responsible for remitting payment for original invoice.

SALES TAXES: Selling price does not include any applicable sales, use, excise or similar taxes. The Seller is required to pay and collect such taxes if applicable by law and/or regulations, and will be added to customer invoice when product is shipped. If your company is tax exempt, Presence From Innovation, LLC must have your current Tax Exempt Certificate on file prior to shipping, in order for your purchase to be tax exempt.

ORDER CHANGES: Line item changes, including but not limited to quantity, item, requested ship date, that are received after orders are acknowledged, will be subjected to re-acknowledgment. Orders may also be subject to re-pricing if changes affect the original pricing guidelines.

DELIVERY CLAUSE: Presence From Innovation, LLC will make every effort to release your product for shipment as promised; however, failure to ship your product on the ship date will not void this order.

PRICING: **Pricing is good for a period of 30 days from the date of the final quote or acknowledgment.** After this time, Presence From Innovation, LLC reserves the right to re-price order and will send a revised Order Acknowledgment for approval, prior to continuing with order.

WAREHOUSING AND STORAGE: If order is not shipped within 30 days of product completion due to customer's request, Presence From Innovation, LLC reserves the right to invoice customer for full amount of order and/or begin charging warehousing fees. Notwithstanding the aforesaid, no products will be stored by Presence From Innovation, LLC for longer than ninety (90) days after product completion and any products which remain in the possession of Presence From Innovation, LLC after ninety (90) days will be shipped to customer in accordance with the terms hereof. Blanket orders must be shipped within 90-days from start of production to not incur warehouse fees and invoiced for all remaining equipment.

FREIGHT: Unless otherwise stated on the invoice, delivery of all goods is FOB shipping point. We will designate routing and means of transportation.

FREIGHT CLAIMS: If product is not signed as damaged upon delivery, Presence From innovation, LLC is not responsible for damage. For concealed damage claims, the customer must notify Presence From Innovation, LLC within 14 calendar days. NOTE: Filing a claim does not guarantee payment or that a credit will be given. If a claim is filed, the Carriers have 30 days to provide written acknowledgment of your claim.

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PFI 021-FM
Rev#3
10/23/14

Carriers have 120 days to make payment, decline or offer a compromise settlement on your claim. Customer might need to warehouse the damaged product until claim is closed.

CANCELLATION FEE: If cancelled within 2 weeks of ship date, 25% of the equipment charge will be invoiced on standard stock product orders. If your custom equipment order is cancelled at any time, 110% of the raw material and any WIP costs associated with your order at the time of cancellation will be invoiced.

OVERAGES / BACKORDERS: Presence From Innovation, LLC reserves the right to ship and bill invoice quantities greater or less than purchase order quantities without prior consent within an acceptable variance range from purchase order quantities. Shipment quantity variances are acceptable to no greater or no less than 5% of order quantity. PFI will not backorder your product if it's within a 5% tolerance of order quantity.

WARRANTY AND CLAIMS

WARRANTY: Subject to the limitations below, PRESENCE FROM INNOVATION, LLC ("PFI") WITH ITS MAIN OFFICE AT 2290 Ball Drive, St. Louis, MO 63146 warrants to the original purchaser only ("Buyer") that its Product will be free from defects in material or workmanship and its cooler products will be "leak-free" for one year, unless otherwise noted. The customer will be required to furnish Presence From Innovation, LLC, proof of purchase. All warranty claims made during the Warranty Period will be subject to inspection and verification by Presence From innovation, LLC's authorized service personnel.

WARRANTY EXCLUSIONS: This Limited Warranty does not extend to any losses or damages incurred as a result of any of the following: improper installation, maintenance, use, repairs or adjustments, neglect, abuse, user's negligence, or attempts to operate the product which is contrary to the instruction sheet, unauthorized repairs, fire, flood, or acts of God.

WARRANTY COVERAGE: THE SOLE AND ECLUSIVE REMEDY FOR DEFECTS COVERED UNDER THIS LIMITED WARRANTY IS LIMITED TO REPAIR OF THE DEFECT, REPLACEMENT OF THE PRODUCT, OR REFUND OF THE PURCHASE PRICE. In the event a defect which is covered under this Limited Warranty is reported during the Warranty Period, Presence From Innovation, LLC will, at its sole option, repair the defect at no charge, including parts and labor, replace the defective Product, or refund the cost of the defective Product. The repair of the defect, replacement of the defective Product, or refund to Buyer of the purchase price constitutes the complete fulfillment by Presence From innovation, LLC of all obligations and liability to the Buyer under this Limited Warranty.

THE FOREGOING LIMITED WARRANTY IS THE SOLE AND EXCLUSIVE WARRANTY PROVIDED TO BUYER BY PRESENCE FROM INNOVATION, LLC, AND IS IN LIEU OF ALL OTHER WARRANTIES WRITTEN OR ORAL, EXPRESS OR IMPLIED, WHETHER ARISING BY OPERATION OF LAW OR OTHERWISE, BY PRESENCE FROM INNOVATION, LLC OR ANY OTHER PARTY, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHETHER OR NOT THE PURPOSE HAS BEEN DISCLOSED AND WHETHER OR NOT THE PRODUCT HAS BEEN SPECIFICALLY DESIGNED OR MANUFACTURED FOR BUYER'S USE OR PURPOSE. No person has been authorized to provide any other warranty or assume any other liability with respect to the Product except by written statement from an authorized officer of Presence From Innovation, LLC.

CLAIMS PROCEDURES: All claims under this Limited Warranty must be made within the Warranty Period. To make a claim under this Limited Warranty, Buyer must notify Presence From Innovation, LLC in writing (via facsimile or e-mail) or by calling Presence From Innovation, LLC's toll free service number at 1-800-325-2823. Buyer's notice must include a description and photos of the defect complained of, including all possible information regarding the problem experienced, along with a copy of the invoice or other proof of purchase, and bill of lading, or other proof of delivery. If Presence From Innovation, LLC determines that the defect is covered under this Limited Warranty, Presence From Innovation, LLC will, at its sole option, repair the product on site at no charge, deliver a replacement Product to Buyer's premises, or refund Buyer's purchase price.

LIMITAION OF LIABILITY: PRESENCE FROM INNOVATION, LLC SHALL NOT BE LIABLE FOR AND BUYER ASSUMES ALL RESPONSIBILITY AND LIABILITY FOR ALL PERSONAL INJURY AND PROPERTY DAMAGE ARISING FROM BUYER'S HANDLING, POSSESSION OR USE OF THE PRODUCTS. IN NO EVENT SHALL PRESENCE FROM INOVATION, LLC'S CUMULATIVE LIABILITY TO BUYER FOR LOSSES OR DAMAGES ARISING FROM BUYER'S USE OF OR INABILITY TO USE THE PRODUCT, (WHETHER BASED IN CONTRACT OR TORT, INCLUDING INFRINGEMENT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE). REGARDLESS OF THE FORM OF THE CLAIM OR CAUSE OF ACTION, EXCEED THE PURCHASE PRICE OF THE SPECIFIC PRODUCT ON WHICH SUCH LIABILITY IS BASED. UNDER NO CIRCUMSTANCES SHALL PRESENCE FROM INNOVATION, LLC OR ANY OF ITS AGENTS OR REPRESENTATIVES BE LIABLE FOR ANY CONSEQUENTIAL, SPECIAL, INCIDENTAL, OR PUNITIVE DAMAGES ARISING OUT OF THE PURCHASE OR USE OF THE PRODUCT OR RESULTING FROM THE BREACH OF THIS LIMITED WARRANTY OR ANY IMPLIED WARRANTY. The term "consequential damages" shall include, without limitation, loss of use, loss or damage to property, loss of profit or good will, claims of labor, repairs or other expenses incidental to replacement.

**PLEASE VISIT OUR WEB-SITE AT
WWW.PFINNOVATION.COM**

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PACKAGING GROUP

Southern Missouri Containers Division
P.O. Box 4306 - Springfield, MO 65808
Phone 417 831-2685
Fax: 417 831-7912

SPRINGFIELD - GREENE COUNTY PARKS AND RECREATION
CORRUGATED RECYCLING SYSTEM

Price List

10-11-14

<u>Item Number</u>	<u>Description</u>	<u>Cost</u>
1. 5-109	Recycle Bin Base	\$6.75 ea.
2. 5-209	Combo Bin Base	\$7.80/Set of 2
3. 5-309	Combo Bin Lid	\$3.00 ea
4. 5-409	Cans Bin Lid	\$3.00 ea.
5. 5-509	Paper Bin Lid	\$3.00 ea.
6. 5-609	Plastic Bin Lid	\$3.00 ea.
7. 5-709	Trash Bin Lid	\$3.00 ea.
8. 5-809	Office Recycle Bin (sold in bundles of 20)	\$1.10 ea.

**Missouri Solid Waste Management District O
2015 Financial Assistance Agreement [FAA]**

Exhibit B

Under authority of RSMo. Subject to pertinent legislation, regularions, and policies applicable to RSMo 260.330 & 260.335

- 1. **Project Number** 2015-003
- 2. **Subgrantee [Grant Recipient]** City of Springfield
 - a. Address PO Box 8368, Springfield, MO 65801
 - b. Telephone 417-864-2005
- 3. **Project Start Date:** July 1, 2015
- 4. **Project End Date:** June 30, 2017
- 5. **Project Manager:** Barbara Lucks
 - a. Project Manager Phone 417-864-2005
 - a. Project Manager Email blucks@springfieldmo.gov
- 6. **Project Name:** City of Springfield Recycling Enhancement Project

7. Project Funding:	Amount:	Percentage:
Grant Funds Awarded	\$ 28,859.00	100%
Cash Match	\$0	0%
Match-In-Kind	\$0	0%
TOTAL Project Budget	\$28,859.00	100%

8. Breakdown of Award Amount:	
DNR Remittable Allocation	\$28,859.00
District Carryover	\$0.00
Interest Income	\$0.00
Project Income	\$0.00
TOTAL Grant Award	\$28,859.00

- 9. **Recipient agrees to administer this agreement in accordance with:**
 - a. All applicable state and federal regulatons including, but not limited to 10 CSR 80-9.040.
 - b. All applicable program guidelines.
 - c. 2015 District O Grant Subgrantee Application for Funding
 - d. MDNR SWMP* FY2015 General Terms & Conditions.
 - e. Form MO 780-1991 (District Subgrantee or Plan Implementation Budget Form) as submitted to MDNR SWMP.

10. **Security Interest In Equipment:** The Grantee hereby grants to District O and/or its successors a security interest in all equipment purchased by the District O Grantee for \$5,000 or more, in whole or in part, with grant funds received from District O.

The security interest in equipment owned by the District O Grantee shall be equivalent to the amount of funding provided by District O for the purchase of the equipment.

Unless the SWMP or District O notifies the Grantee in writing of a material breach of the FAA or any documents incorporated herewith, the District O security interest in the equipment shall remain in effect for a period of five years, beginning on the date of purchase shown on the equipment purchase invoice. **For this five year period, the District O security interest shall remain 100% of the amount of funding provided by District O for the purchase of equipment.**

This replaces Missouri Department of Natural Resources Solid Waste Management Program General Terms & Conditions Section 1.M.3.b.ii.

12. Waiver of 15% Retainage

Unless a waiver was previously submitted by the subgrantee and approved by the District O Executive Board, District O shall retain 15% of the awarded grant funds until the District O Executive Board approves the project Final Report and final accounting of project expenditures.

13. Grant Documentation:

Both the Grantee and District O shall retain all documentation regarding this grant for at least three years following the closing of the project. If any litigation, claim, audit, or other action involving the project and/or records has been started before the expiration of the three year period, the records must be retained 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.

14. Program Income

Program Income must be reinvested in the district grant during the grant period per MDNR SWMP General Terms and Conditions, I.F.

15. Disposal of Solid Waste

Grantee hereby certifies that any recycling bins or other containers purchased under this agreement shall not be used for continuous disposal of solid waste per 10 CSR 80-9.050 (2) (B) 6.

16. Signatures

The assistance as described herein is hereby offered and accepted, effective upon the signatures of the below authorized officials:

Solid Waste Management District O: Grant Recipient [Subgrantee] Authorized Signature

Timothy W. Smith Chairman, District O	Date	Authorized Official	Date
--	------	---------------------	------

Attachments:

- Grant Application Executive Summary
- Grant Application Work Plan with Tasks
- Grant Budget Summary

*Missouri Department of Natural Resources Solid Waste Management Program

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit C

BA Number 0034

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
55010	08	33520	416020	000000	00000	28,859.00	FY 2016 Missouri Solid Waste District "O" Grant Revenues
Net Revenue Adjustment						28,859.00	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
55010	08	33520	501260	000000	00000	28,859.00	Recycling Containers for City-operated Facilities
Net Expenditure Adjustment						28,859.00	

Fund Balance Appropriation:

Fund	Title	Amount
		-

Explanation: To appropriate Waste District "O" grant funds in the Solid Waste Disposal Fund to fund the purchase of a variety of recycling containers for use at city-operated facilities. There is no match required for this grant.

Requested By:

Stephen Meyer 2/2/16
Department Head Date

Approved By:

Mary Mann O'Donoghue 2/2/16
Director of Finance Date

Authorization:

Council Bill No. 2016-042
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date

One-rdg. _____
P. Hrngs. _____
Pgs. 25
Filed: 1-19-16

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016-037

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Surface
2 Transportation Program (STP) - Urban Program Agreement with the
3 Missouri Highways and Transportation Commission (MHTC) to
4 partially reimburse the base salaries of up to six City employees who
5 work at the Transportation Management Center (TMC) and amending
6 the budget of the Department of Public Works for Fiscal Year 2015-
7 2016, in the amount of \$300,000.

8 _____
9

10 WHEREAS, this agreement will allow the use of STP-Urban funds to reimburse
11 the City 80 percent of the base salaries of up to six City TMC employees; and

12
13 WHEREAS, the remaining 20 percent of the base salary costs will be funded by
14 the existing Transportation Fund budget; and

15
16 WHEREAS, a budget adjustment is required to appropriate the funds associated
17 with the agreement.

18
19 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
20 SPRINGFIELD, MISSOURI, as follows, that:

21
22 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
23 an agreement with the MHTC, substantially in the same form as that agreement which
24 is attached hereto and incorporated herein by reference as "Exhibit 1."

25
26 Section 2 – The budget of the Department of Public Works for Fiscal Year 2015-
27 2016, is hereby amended in the accounts and in the amounts as shown on Budget
28 Adjustment No. 0032, a copy of which is attached hereto and incorporated herein by
29 reference as "Exhibit 2."

30
31 Section 3 – The City Manager is directed to cause the appropriate accounting
32 entries to be made in the books and records of the City.

33

34 Section 4 – The City Council hereby finds and declares this ordinance relates to
35 the acceptance of a grant with a state or federal agency pursuant to Section 2.16(25) of
36 the City Charter. Therefore, this ordinance shall be in full force and effect from and after
37 passage.

38
39

40 Passed at meeting: _____

41
42

43 _____
44 Mayor

45
46

47 Attest: _____, City Clerk

48
49

48 Filed as Ordinance: _____

49
50

50 Approved as to form: Amanda R. Callaway, Assistant City Attorney

51
52

51 Approved for Council action: Greg Burns, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 037

FILED: 01-19-16

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To authorize the City Manager, or his designee, to enter into an STP-Urban Program Agreement with the Missouri Highways and Transportation Commission (MHTC) to partially reimburse the base salaries of up to six City employees who work at the Transportation Management Center (TMC); and amending Fiscal Year 2015-2016 budget for the Department of Public Works in the amount of \$300,000 to appropriate federal Surface Transportation Program (STP) grant funds.

BACKGROUND INFORMATION: In collaboration with the Missouri Department of Transportation (MoDOT) staff, the TMC is operated and managed by six Public Works employees. Base salaries and benefit costs for all six City employees are budgeted in the Transportation Fund. Last year, federal STP funds were used to fund 80 percent of the base salaries for City TMC staff. The remaining 20 percent of the base salary costs were funded by the Transportation Fund and have been utilized to meet the matching requirements of the federal STP grant funds. All employee benefit costs, also funded by the Transportation Fund, are not eligible for grant reimbursement.

The use of federal STP-Urban funds for another one-year period to reimburse 80 percent of the base salaries of six City TMC employees will reduce base salary expenses that would otherwise be budgeted and funded by the Transportation Fund during a portion of Fiscal Years 2015-2016 and 2016-2017. The estimated annual base salary cost of the six positions is \$375,000. Approval of this ordinance authorizes the City Manager to enter into the STP-Urban Program Agreement needed to continue using federal funds for 80 percent of the base salaries (\$300,000) for another one-year period as estimated on Budget Adjustment Number 0032, see "Exhibit 2." The required grant match will be provided from the 20 percent base salary costs (\$75,000) that will remain funded by the existing Transportation Fund budget. All benefit costs will also remain funded by the Transportation Fund.

Supports the following Field Guide 2030 goal(s): Chapter 12, Transportation; Major Goal 2, Operations and Maintenance The City of Springfield should continue to maintain streets, sidewalks, trails, and the airport, using the most effective strategies to maximize the efficient operation of the existing systems, keeping in mind safety, accessibility, sustainability, and collaboration; Objective 2d, The City of Springfield should coordinate operations and maintenance efforts with Greene County, the State of Missouri, rail, and transit to ensure a seamless connection to the regional system; Objective 2h, User travel time should be improved in conjunction with maintenance projects; Major Goal 5, Quality of Life and Livability The City of Springfield should work to improve quality of life and livability by enhancing effectiveness and aesthetics and improving the connectivity and accessibility of the street, pedestrian, bicycle, and light rail/monorail networks, promoting urban density and efficient development patterns, and increasing the efficiency and

convenience of the existing public transit system; Objective 5e, Improve existing high-traffic streets by using ITS/ATMS (Intelligent Transportation Systems/Advanced Transportation Management Systems) and other congestion and access management tools.

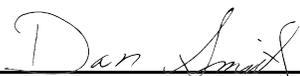
REMARKS: A Transportation Improvement Program (TIP) program has been prepared to allow the use of federal STP-Urban funds for these base salaries. Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:



Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Greg Burris, City Manager

CCO Form: FS11
Approved: 07/96 (KMH)
Revised: 06/12 (MWH)
Modified: 02/15 (MWH)

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: STP – 5938(806) TIP# MO1603
Award Year: 2016
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
STP-URBAN PROGRAM AGREEMENT**

THIS STP-URBAN AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Greene County, Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, 23 U.S.C. §133 authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the City desires certain improvements, more specifically described below, using such STP funding; and

WHEREAS, those improvements are to be in compliance with the provisions of this Agreement.

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

(1) PURPOSE: The purpose of this Agreement is to grant the use of STP funds to the City. The improvement contemplated by this Agreement and designated as Project STP-5938(806) involves:

Salaries of the Engineers and Technicians that operate, manage, and provide necessary traffic data for the Transportation Management Center of the Ozarks and Ozarks Traffic Intelligent Transportation System for the City of Springfield.

Construction is not contemplated by this agreement.

(2) LOCATION: The contemplated improvement designated as Project STP-5938(806) by the Commission is within the city limits of Springfield, Missouri. The

general location of the improvement is shown on an attachment hereto marked "Exhibit A" and incorporated herein by reference. More specific descriptions are as follows:

The Transportation Management Center located at 1107 W. Chestnut Expressway, Springfield, Missouri 65802.

(3) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(4) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit B. Wherever the term "the contractor" or

words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(5) ACQUISITION OF RIGHT OF WAY: No acquisition of additional right of way is anticipated in connection with Project STP-5938(806) or contemplated by this Agreement.

(6) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. The federal share for this project will be 80 percent (**80%**) not to exceed **\$300,000.00**. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(B) The total reimbursement otherwise payable to the City under this Agreement is subject to reduction, offset, levy, judgment, collection or withholding, if there is a reduction in the available federal funding, or to satisfy other obligations of the City to the Commission, the State of Missouri, the United States, or another entity acting pursuant to a lawful court order, which City obligations or liability are created by law, judicial action, or by pledge, contract or other enforceable instrument. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(7) WORK ON STATE RIGHT OF WAY: There are no contemplated improvements for Project STP-5938(806) which will involve work on the state's right of way.

(8) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly for amounts equal to or greater than \$10,000.00. The City shall repay any progress payments which involve ineligible costs.

(9) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(10) OMB AUDIT: If the City expend(s) five hundred thousand dollars (\$500,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with OMB Circular A-133. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of OMB Circular A-133, if the City expend(s) less than five hundred thousand dollars (\$500,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(11) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

(12) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(13) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(14) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(15) COMMISSION REPRESENTATIVE: The Commission's District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(16) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the City:
Tom Dancey, P.E.
840 Boonville

Springfield, MO 65802
Facsimile No.:417-864-1983

- (B) To the Commission:
Becky Baltz, P.E., District Engineer
3025 E. Kearney
Springfield, MO 65803
Facsimile No.:417-895-7610

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(17) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, et seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, et seq.). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, creed, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this

Agreement relative to nondiscrimination on grounds of the race, color, religion, creed, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (17) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(18) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

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

Executed by the City this _____ day of _____, 2016.

Executed by the Commission this _____ day of _____, 2016.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

By _____

Title _____

Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

By _____

Title _____

Ordinance No: _____

EXHIBIT A

TMC Salaries Location Map

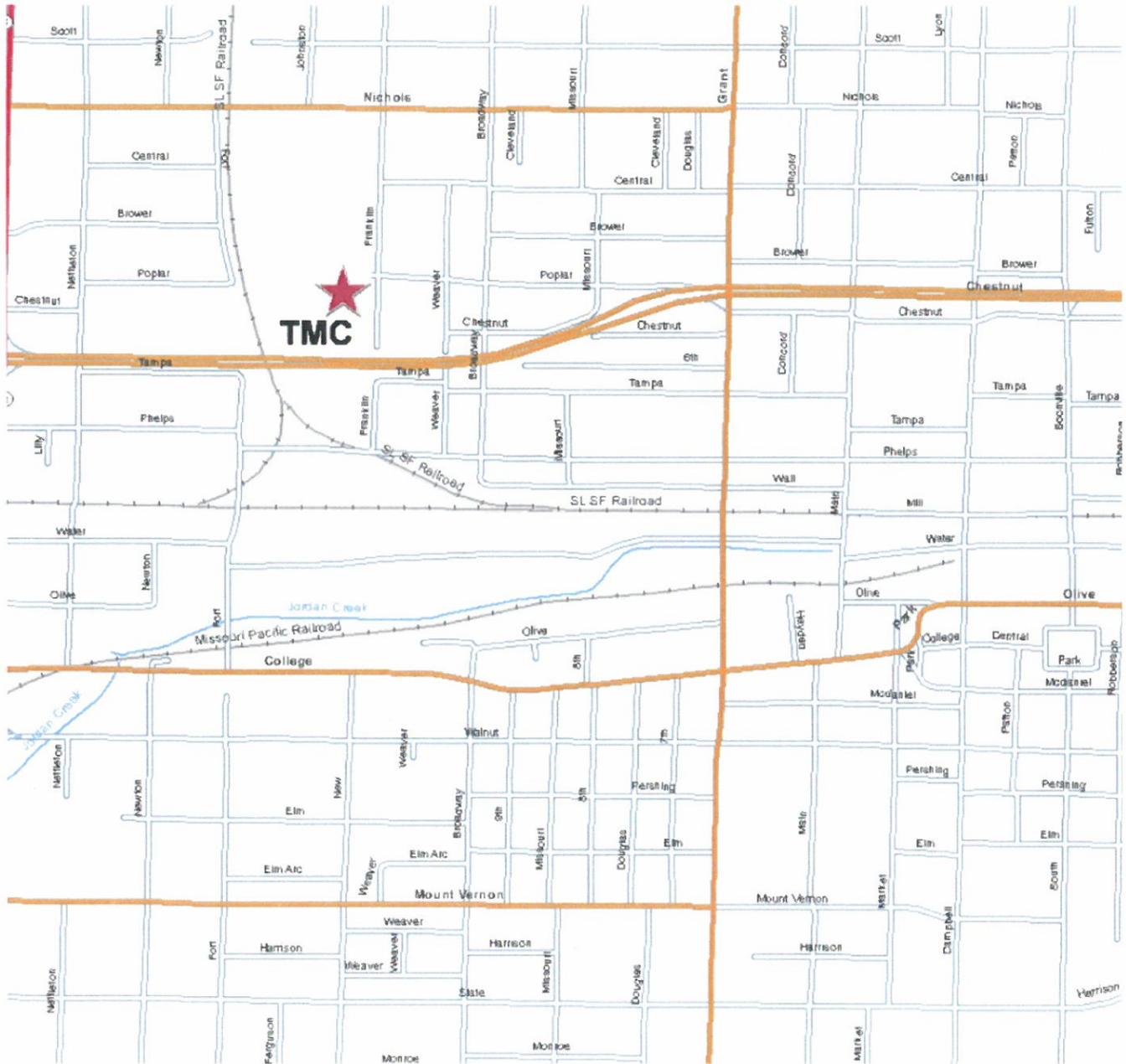


Exhibit B

FHWA-1273 -- Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

Exhibit B

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

Exhibit B

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

Exhibit B

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

Exhibit B

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

Exhibit B

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

Exhibit B

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

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VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

(1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;

(2) the prime contractor remains responsible for the quality of the work of the leased employees;

(3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and

(4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

Exhibit B

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

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i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

Exhibit B

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

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ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS ROAD CONTRACTS

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

BA Number 0032

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	300,000.00	Federal STP Grant Revenues for TMC Base Salaries
Net Revenue Adjustment						300,000.00	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	500110	000000	00000	300,000.00	TMC Salaries (80% of Base Salaries) Funded By Federal Grant Funds
28010	20	78020	500110	000000	00000	(75,000.00)	TMC Base Salaries-6 Positions-FY 2015-2016 Savings-3 Months
28010	20	78020	500110	000000	00000	(225,000.00)	TMC Base Salaries-6 Positions-FY 2016-2017 Savings-9 Months
Net Expenditure Adjustment						-	

Fund Balance Appropriation:

Fund	Title	Amount	
46040	Public Works Imp/Grant Fund	-	
28010	Public Works Transportation Fund	75,000.00	FY 2015-2016 Savings - 3 Months
28010	Public Works Transportation Fund	225,000.00	FY 2016-2017 Savings - 9 Months

Explanation: To appropriate Federal STP Grant Funds for 80% of the base salaries of six (6) staff positions at the Traffic Management Center (TMC) based on the grant agreement. City grant match of 20% will be from the remaining 20% of base salaries and will be funded by the existing Transportation Fund operating budget. One-year grant award estimated to be effective for 3 months of FY 2016 and 9 months of FY 2017.

Requested By:

Dan Smith 1/19/16
Department Head Date

Approved By:

Mary Mann O'Decker 1/19/16
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2016-037
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____