



Agenda City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Robert Stephens, Mayor

Zone Councilmembers

Phyllis Ferguson, Zone 1
Vacant, 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
September 19 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. September 6, 2016**

Documents:

[09-06-2016.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.**
7. **RESOLUTIONS. Citizens May Speak. May Be Voted On.**
8. **Council Bill 2016-218. (Schilling)**

A resolution requesting that the Consumer Financial Protection Bureau address the potential deficiencies contained in its proposed rule regarding payday loans and car title loans, and providing public comment concerning revisions necessary to remedy deficiencies in the proposed rule.

Documents:

[2016-218.PDF](#)

9. **EMERGENCY BILLS.**
10. **PUBLIC IMPROVEMENTS. Citizens May Speak. May Be Voted On.**
11. **Council Bill 2016-219. (Fisk)**

A special ordinance accepting the bid of Flat Creek Excavating, LLC, in the amount of \$198,858.84 for the construction of sanitary sewers in Sanitary Sewer District No. 91 of Section No. 1, located in the vicinity of College Street and Broadway Avenue, as indicated on "Exhibit A," declaring the work to be necessary; stating the intention to pay for all or part of the improvements from the proceeds of bonds; specifying those costs and expenses to be assessed against the properties in the district and the method by which the costs will be apportioned; setting forth the manner of payment, the lien of the assessments, and the duration of the lien; setting forth the interest rate to be charged on the tax bills; authorizing the City Manager, or his designee, to enter into a contract and to approve the bond for said improvement; and authorizing progress payments to be made to the contractor; and declaring that this bill qualifies for approval in one reading.

Documents:

[2016-219.PDF](#)

12. **GRANTS.**
13. **AMENDED BILLS.**
14. **COUNCIL BILLS FOR PUBLIC HEARING. Citizens May Speak. Not Anticipated To Be Voted On.**
15. **Council Bill 2016-220. (Hosmer)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.90 acres of property, generally located at 222 East Primrose Street, from Planned Development 21 Amendment 1 District, to a GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval). (By: Lipscomb Properties LLC; 222 East Primrose Street; Z-13-2016.)

Documents:

[2016-220.PDF](#)

16. **Council Bill 2016-221. Substitute No. 1. (Fishel)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.6 acres of property, generally located at 1811 East Sunset Drive, from Planned Development No. 97, to LB, Limited Business District Conditional Overlay District No. 112; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend denial).

Documents:

[2016-221S1.PDF](#)

17. **Council Bill 2016-221. (Fishel)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.6 acres of property, generally located at 1811 East Sunset Drive, from Planned Development No. 97, to O-1, Office District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval). (By: 1811 E. Sunset, LLC; 1811 E. Sunset Drive; Z-11-2016 Conditional Overlay District No. 112.)

Documents:

[2016-221WITHSIGNATURE.PDF](#)

18. **Council Bill 2016-222. (Fulnecky)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 2.4 acres of property, generally located at 1606 East Blaine Avenue, from R-SF, Single-Family Residential District, to R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District No. 110; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval). (John Peterson; 1606 East Blaine Avenue; Z-14-2016 & Conditional Overlay District No. 110.)

Documents:

[2016-222.PDF](#)

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

20. **Council Bill 2016-210. (Stephens) Due To The Zone 2 Vacancy, This Bill Is Being Republished With New Sponsorship. Citizens May Speak. Not Anticipated To Be Voted On.**

A special ordinance authorizing the City Manager, or his designee, to enter into an amended Contract of Obligation with the Missouri Department of Natural Resources whereby the City agrees to financially secure the future closure and post-closure care of all currently active and previously completed portions of the City's Sanitary Landfill by adding \$178,304 to its existing Contract of Obligation to account for inflation.

Documents:

[2016-210.PDF](#)

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

22. **NEW BUSINESS.**

The Mayor recommends the following appointment to the Land Clearance for Redevelopment Authority: Keith Chaffin with term to expire May 1, 2017.

23. **UNFINISHED BUSINESS.**

24. **MISCELLANEOUS.**

25. **CONSENT AGENDA – FIRST READING BILLS. See Item #3.**

26. **Council Bill 2016-213. (Stephens) Due To The Zone 2 Vacancy, This Bill Is Being Republished With New Sponsorship.**

A special ordinance approving the transfer of the City's interest in real property located at 1436 North Rogers Avenue to Springfield Community Gardens.

Documents:

[2016-213.PDF](#)

27. **Council Bill 2016-223. (Ferguson)**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Andy Land Subdivision, generally located at 3830 South Glenstone Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this ordinance. (Staff recommends that City Council accept the public streets and easements).

Documents:

[2016-223.PDF](#)

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

29. **Council Bill 2016-224. (McClure)**

A special ordinance authorizing the City Manager, or his designee, to execute a contract between the City of Springfield and the Missouri Highways and Transportation Commission, providing for a grant of funds under Section 305.230, RSMo, to the City, by and through the Springfield-Branson National Airport Board in the amount of \$89,334.00 for development of an Airport Business Plan for the Springfield-Branson National Airport, and amending the budget of the Airport Board in the amount of \$99,260.00; and declaring that this bill qualifies for approval in one reading.

Documents:

[2016-224.PDF](#)

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

31. **Council Bill 2016-212. (Ferguson)**

A special ordinance approving the transfer of the City's interest in real property located at 820 West Brower Street to the Springfield Community Land Trust.

Documents:

[2016-212.PDF](#)

32. **Council Bill 2016-214. (Ferguson)**

A special ordinance approving the transfer of the City's interest in real property located at 1839 North Tyler Avenue to Alice Mcgilvry.

Documents:

[2016-214.PDF](#)

33. **END OF CONSENT AGENDA.**

34. **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.

September 6, 2016 Springfield, Missouri

The City Council met in regular session September 6, 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: Mike Schilling, Craig Fishel, Ken McClure, Jan Fisk, Craig Hosmer, Kristi Fulnecky, Phyllis Ferguson and Bob Stephens. Absent: None. Vacant Seat: Zone 2.

Minutes

There being no additions, deletions or corrections, the minutes of August 22, 2016-Regular, August 23, 2016-Special, and August 30, 2016-Special were approved as presented.

Mayor Pro Tem McClure moved to add the confirmation for the appointment of Bill Hedrick to the Art Museum Board. Councilman Schilling seconded the motion. The appointment was added to the agenda by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

Consent Agenda

The Consent Agenda was finalized and approved as amended.

Anita Cotter, City Clerk, received a request to remove Council Bill 2016-215 and Council Bill 2016-216 from the Consent Agenda-One Reading Bills. Ms. Cotter noted these bills would be moved under Resolutions and become Item 14.5 and Item 14.75.

The consent agenda was approved by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

CEREMONIAL MATTERS

Mayor Pro Tem McClure moved that Council Bill 2016-211 be removed from the agenda and remanded to the Finance and Administration Committee for further discussion. The motion was seconded by Councilman Hosmer. Council Bill 2016-211 was removed from the agenda and remanded to the Finance and Administration Committee by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

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

Greg Burris, City Manager, provided updates on questions raised from the previous Council Meeting. Mr. Burris stated in regards to the question raised concerning panhandling laws, a City team met on August 23 to discuss panhandling issues. Mr. Burris noted an update had been provided to Councilwoman Fulnecky regarding the Satan Club. Mr. Burris stated Councilman

Burnett resigned from his Zone 2 City Council seat, leaving a vacancy on Council and added applications are open through September 16 and interviews are scheduled for September 20, 2016. Mr. Burris noted the City of Springfield's September general sales tax is up 3% compared to the amount budgeted. Mr. Burris stated Police Chief Paul Williams provided the August staffing report. Mr. Burris noted there is an upcoming Collective Impact Model Workshop at the Missouri Job Center that will have 100 community leaders representing all sectors in attendance. Mr. Burris stated the Health Department will be bringing forward a \$1,000,000 grant for studying mental health and thanked the Health Department for making mental health among the community's top priorities. Mr. Burris noted the Springfield Cardinals enter the playoffs this week and noted 300 City employees will have the opportunity to attend Thursday night's game at no charge and thanked Mayor Stephens, Mayor Pro Tem McClure, Councilwoman Ferguson, Councilman Fishel and Councilwoman Fisk for their generosity and support.

Mayor Pro Tem McClure asked if the final numbers for Fiscal Year 2016 are available. Mr. Burris responded they will be available as soon as we receive the August numbers.

Councilwoman Fulnecky asked for the Transportation Network Companies meeting to be scheduled as soon as possible. Mr. Burris responded the meeting will be scheduled through the City Clerk's Office.

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

City Utilities Annual Operating Budget

Sponsor: Schilling. Council Bill 2016-196. A special ordinance approving the City Utilities Annual Operating Budget for the Fiscal Year ending September 30, 2017.

Mayor Pro Tem McClure stated the City is now purchasing 66% of our power compared to the 21% power purchased from several years ago and commended City Utilities for being flexible.

Council Bill 2016-196. Special Ordinance 26790 was approved by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

Resident Off Street Parking

Sponsor: Hosmer. Council Bill 2016-197. A general ordinance amending Chapter 36 of the Springfield, Missouri City Code, known as the Land Development Code, Article III, Division VI, Section 36-483 related to off-street parking area design standards to allow alternative residential off-street parking surfaces.

Council Bill 2016-197. General Ordinance 6302 was approved by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

Lot Dimensions

Sponsor: Fulnecky. Council Bill 2016-198. A general ordinance amending Chapter 36 of the Springfield, Missouri City Code, known as the Land Development Code, Article II, Division IV, Section 36-247 related to Subdivision Regulations to modify lot dimension and location requirements.

Council Bill 2016-198. General Ordinance 6303 was approved by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

Amending Chapter 36 to Add Section “Amendments”

Sponsor: Schilling. Council Bill 2016-199. A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, known as the Land Development Code, Article II, Division I, by adding a new section concerning proposed amendments entitled “Amendments” thereto, said section to be Section 36-214.

Council Bill 2016-199. General Ordinance 6304 was approved by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

Amended and Restated Plan for an Industrial Development Project with Kraft Heinz Foods Company

Sponsor: McClure. Council Bill 2016-200. A special ordinance authorizing an Amended and Restated Plan for an Industrial Development Project and Cost Benefit Analysis for, and a First Amendment to Performance Agreement with, Kraft Heinz Foods Company, related to \$26,000,000 (Aggregate Maximum Principal Amount) City of Springfield, Missouri, Industrial Development Revenue Bonds (Kraft Foods Group, Inc. Project) Series 2012.

Councilwoman Fulnecky expressed her appreciation for the proposed and thanked the manufacturing companies for their work.

Council Bill 2016-200. Special Ordinance 26791 was approved by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

Nuisance and Housing Code

Sponsor: McClure. Council Bill 2016-201. A general ordinance amending Springfield City Code Chapter 74, Nuisance and Housing Code, to provide for nuisance-abatement notice to occupants of properties that are not owner-occupied.

Council Bill 2016-201. General Ordinance 6305 was approved by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

College Street Route 66 Phase 3 Project

Sponsor: Stephens. Council Bill 2016-202. A special ordinance approving the plans and specifications for the College Street Route 66 Phase 2 project, Plan No. 2015PW0074TE; and the College and Broadway West Extension project, Plan No. 2016PW0005WTE; accepting the bid of Hunter Chase & Associates, Inc., in the amount of \$1,145,608.00 for these projects; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Councilwoman Fulnecky asked if the proposed was already included in this year’s budget. Dan Smith, Director of Public Works, responded in the affirmative.

Council Bill 2016-202. Special Ordinance 26792 was approved by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

RESOLUTIONS.

**Moved from Consent
Agenda One Reading
Bills**

Sponsor: McClure. Council Bill 2016-215. A resolution granting a new liquor license to sell retail liquor by the drink, including Sunday sales, to DS GILL, LLC, d/b/a Zayka Indian Cuisine, located at 311 South Jefferson Avenue, Springfield, Missouri, such license to include an enclosed sunroom and a patio measuring 16 feet by 14 feet on the South side of the building.

Councilman Schilling asked what the former location of the proposed was and if they previously had a liquor license. Mr. Burris responded the previous location was Millie's and stated they had a liquor license.

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

Council Bill 2016-215. Resolution 10284 was approved by the following vote:
Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens.
Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

**Moved from Consent
Agenda One Reading
Bills**

Sponsor: Fisk. Council Bill 2016-216. A resolution granting a new liquor license to sell retail liquor by the drink, including Sunday sales, to Fresh Ideas Management LLC, located at 900 North Benton, Springfield, Missouri, in Findlay Student Center.

Councilman Schilling asked if Drury had previously sold alcohol before at the Finley Center and expressed his concern for the proposed. Mr. Burris responded this is the first time selling alcohol at the location has been proposed and stated the proposed is at the request of Drury's Board of Trustees.

Councilman Schilling asked if the proposed would be open to the public. Buffee Smith, Director of Licensing, stated the license is predominantly designed so they can cater their own events and will not be open to the public.

Councilwoman Ferguson asked if the proposed will be contained within the facility. Frank Romines, City Attorney, stated the proposed would be held in and around the Finley Center.

Councilman Hosmer asked if churches and schools within 200 feet of the proposed were notified. Mr. Burris stated a notice was sent to all property owners within the area.

Councilman Hosmer asked if there was any response from the church that is within 200 feet of the liquor license near Millie's. Ms. Smith responded the proposed liquor license for the building that was previously Millie's has different requirements including notifying properties within 100 feet from building to building and stated the church is not within 100 feet of the proposed.

Councilman Hosmer asked how far the Finley Center is from Central. Ms. Smith stated the proposed is on school property so by default the school had to give permission to bring the proposed forward.

Councilman Hosmer asked if Springfield Public Schools had input on the proposed. Ms. Smith stated the proposed is not within 200 feet of Springfield Public School property.

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

Council Bill 2016-216. Resolution 10285 was approved by the following vote:
Ayes: Schilling, Fishel, McClure, Fisk, Fulnecky and Stephens. Nays: Hosmer and Ferguson. Absent: None. Abstain: None. Vacant Seat: Zone 2.

EMERGENCY BILLS.

PUBLIC IMPROVEMENTS.

GRANTS.

Missouri Foundation for Health Grant

Sponsor: Stephens. Council Bill 2016-209. A special ordinance authorizing the City Manager, or his designee, to apply for and accept a grant from the Missouri Foundation for Health; to support activities aimed at assessing community mental health as well as an action plan to help the Springfield community take the next steps in addressing the myriad challenges that citizens with mental health concerns present; and amending the budget of the Springfield-Greene County Health Department for Fiscal Year 2016-2017 in an amount not to exceed \$1,000,000, to appropriate grant funds.

Clay Goddard, Assistant Director of Public Health, provided a brief overview of the proposed. Mr. Goddard stated the proposed covers the Springfield Community, which includes Greene, Christian and Webster counties. Mr. Goddard noted the health assessment gathered information from primary, secondary and focus group data. Mr. Goddard stated through the course of analysis, three primary health needs were identified that should be addressed over the next three years include lung disease, cardiovascular disease and mental health. Mr. Goddard noted through the course of the health assessment, mental health issues were of significance in the community and according to research from the Kaiser Family Foundation, 45% of people not receiving mental health treatment services list cost as a barrier to their care. Mr. Goddard stated the proposed will be utilized to fund the research necessary to get a clearer picture on how these issues weigh on the community. Mr. Goddard noted the proposed is advantageous to advocate for additional funding if additional state or federal dollars are designated for mental health services. Mr. Goddard noted the proposed will assist funding the research and use the data to impact the community. Mr. Goddard made himself available for questions.

Mayor Pro Tem McClure asked if the proposed is to apply for and accept the grant and asked if there was a guarantee to receive the grant. Mr. Goddard responded in the affirmative and stated there is no guarantee the City will receive the grant, but believes we are in good standing to receive the grant.

Mayor Pro Tem McClure asked if the proposed is \$1,000,000 total. Mr. Goddard responded it is a \$1,000,000 grant which will be divided among three to five successful grant applicants.

Mayor Pro Tem McClure asked if the grant would be available on December 1, 2016. Mr. Goddard responded in the affirmative.

Mayor Pro Tem McClure asked how endowing a community health assessment would work. Mr. Goddard responded the City will bring in a consultant to aid in the complex research.

Mayor Pro Tem McClure asked if the proposed would be used community wide and how long it would take. Mr. Goddard responded in the affirmative and stated the proposed would take eighteen months.

Mayor Pro Tem McClure asked if the completed assessment would aid the City in deciding which course to take to begin working on mental health issues. Mr. Goddard stated the proposed would illustrate issues that are within our span of control and what issues would we need to lobby the State and Federal government for.

Councilwoman Fulnecky asked if the applicants are the ones doing the research. Mr. Goddard responded in the affirmative and stated the research does not have to be done around mental health; it is the topic the Health Department has chosen.

Councilwoman Fulnecky asked if an additional consultant would be hired and would it be funded through the grant. Mr. Goddard responded in the affirmative.

Councilman Hosmer asked if the assessment would help keep people with mental health issues out of the jail and also provide solutions for the issues at hand. Mr. Goddard stated they are very interested in solutions and how it is difficult to look at these issues without seeing the relation between the homeless population, jail population and how mental health affects the community and he noted it will be a wide ranging assessment that tries to encompass how the issue impacts the community.

Councilwoman Fulnecky asked if solutions would be offered once the assessment is completed. Mr. Goddard responded the assessment will be used to help build a community health improvement program where we would assess and develop an improvement plan.

Brian Fogle spoke in favor of the proposed. Mr. Fogle expressed his appreciation for the proposed and stated he was glad to see the community beginning to work on mental health issues.

Councilwoman Ferguson thanked Mr. Fogle for his work on the proposed.

Harold Bengsch spoke in favor of the proposed. Mr. Bengsch stated counties are seeing the toll mental health is taking on the areas. Mr. Bengsch expressed his opinion investing in the proposed will benefit the community.

Paul Thomlinson, Burrell Behavior Health, spoke in favor of the proposed. Mr. Thomlinson stated in his 20 years at Burrell Behavioral Health, he has seen a lot of change and heartache in regards to mental health needs. Mr. Thomlinson noted people with serious mental illness die 25 years earlier than the general population. Mr. Thomlinson thanked Council for their work and made himself available for questions.

Mayor Stephens thanked Commissioner Bengsch for his comments and expressed his opinion the City will be ahead of the curve if the City receives this grant.

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

Council Bill 2016-209. Special Ordinance 26793 was approved by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

AMENDED BILLS.

COUNCIL BILLS FOR PUBLIC HEARING.

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

**Contract of Obligation
with the Missouri
Department of Natural
Resources**

Sponsor: Burnett. Council Bill 2016-210. A special ordinance authorizing the City Manager, or his designee, to enter into an amended Contract of Obligation with the Missouri Department of Natural Resources whereby the City agrees to financially secure the future closure and post-closure care of all currently active and previously completed portions of the City's Sanitary Landfill by adding \$178,304 to its existing Contract of Obligation to account for inflation.

Erick Roberts, Superintendent of Solid Waste, provided a brief overview of the proposed. Mr. Roberts stated the proposed is the annual amendment with the Missouri Department of Natural Resources regarding the Springfield Sanitary Landfill. Mr. Roberts stated this contract of obligation is required by state statute and obligates the City to financially secure the future closure and post closure care costs for the landfill. Mr. Roberts noted the amended brings the total obligation to \$12,497,905 and made himself available for questions.

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

**Removed and Remanded
to the Finance and
Administration
Committee**

Sponsor: McClure, Hosmer, Fulnecky, and Schilling. Council Bill 2016-211. A general ordinance amending the Springfield City Code by repealing language contained in Chapter 118 Vehicles for Hire, and adding new regulations for Transportation Network Companies and Drivers. (The Finance and Administration Committee recommends approval.)

Petitions, Remonstrances, and Communications.

The following items appeared under New Business:

UNFINISHED BUSINESS.

MISCELLANEOUS.

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

820 West Brower Street Sponsor: Ferguson. Council Bill 2016-212. A special ordinance approving the transfer of the City's interest in real property located at 820 West Brower Street to the Springfield Community Land Trust.

1436 North Rogers Avenue Sponsor: Burnett. Council Bill 2016-213. A special ordinance approving the transfer of the City's interest in real property located at 1436 North Rogers Avenue to Springfield Community Gardens.

1839 Tyler Avenue Sponsor: Ferguson. Council Bill 2016-214. A special ordinance approving the transfer of the City's interest in real property located at 1839 North Tyler Avenue to Alice Mcgilvry.

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

Moved to Resolutions Item #14.5 Sponsor: McClure. Council Bill 2016-215. A resolution granting a new liquor license to sell retail liquor by the drink, including Sunday sales, to DS GILL, LLC, d/b/a Zayka Indian Cuisine, located at 311 South Jefferson Avenue, Springfield, Missouri, such license to include an enclosed sunroom and a patio measuring 16 feet by 14 feet on the South side of the building.

Moved to Resolutions Item #14.75 Sponsor: Fisk. Council Bill 2016-216. A resolution granting a new liquor license to sell retail liquor by the drink, including Sunday sales, to Fresh Ideas Management LLC, located at 900 North Benton, Springfield, Missouri, in Findlay Student Center.

Missouri Department of Conservation Grant Sponsor: Fulnecky. Council Bill 2016-217. A resolution authorizing the City Manager, or his designee, to apply for a grant in the amount of \$9,960.00 from the Missouri Department of Conservation to support native plant establishment and enhancement on the traffic islands at Sunset Street and Grant Avenue, and Sunset Street and Fort Avenue.

Council Bill 2016-217. Resolution 10286 was approved by the following vote:
Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens.
Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

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

License Agreement with Environmental Works, Inc. at 3030 South Jefferson Ave Sponsor: Fishel. Council Bill 2016-204. A special ordinance authorizing the City Manager, or his designee, to enter into a License Agreement with Environmental Works, Inc., to install and maintain one monitoring well on a public right-of-way at the Kum & Go, L.L.C., located at 3030 South Jefferson Avenue, to monitor groundwater conditions at no cost to the City.

Council Bill 2016-204. Special Ordinance 26794 was approved by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

Agreement with Environmental Works, Sponsor: McClure. Council Bill 2016-205. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with Environmental

Inc. to Install and Maintain Eight Monitoring Wells

Works, Inc., to install and maintain eight monitoring wells on public right-of-ways to monitor groundwater conditions at no cost to the City.

Council Bill 2016-205. Special Ordinance 26795 was approved by the following vote: Ayes: Schilling, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 2.

Confirmed

Confirm the following appointment to the Public Housing Authority: Cheryl Clay with term to expire April 11, 2018.

Confirmed

Confirm the following appointment to the Art Museum Board: Bill Hedrick with term to expire June 1, 2019.

Adjourn

With no further business to come before Council, the meeting adjourned at approximately 7:25 pm.

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by Megan Cunningham

DRAFT

One-rdg. X
P. Hrngs.
Pgs. 3
Filed: 09-13-16

Sponsored by: Schilling

COUNCIL BILL NO. 2016-218

RESOLUTION NO.

A RESOLUTION

1 REQUESTING that the Consumer Financial Protection Bureau address the potential
2 deficiencies contained in its proposed rule regarding payday loans
3 and car title loans, and providing public comment concerning revisions
4 necessary to remedy deficiencies in the proposed rule.
5
6

7 WHEREAS, on July 21, 2016, the Consumer Financial Protection Bureau (the
8 “CFPB”) published proposed rules in the Federal Register regarding payday loans and
9 auto title loans; and
10

11 WHEREAS, the CFPB is currently taking public comment on the proposed rule in
12 the Federal Register; and
13

14 WHEREAS, the proposed rule contains important new consumer protections,
15 that the City Council believes will help keep debt from payday loans and auto title loans
16 manageable, such as, establishing an ability-to-pay-requirement, and placing
17 restrictions on short-term and long-term loans; and
18

19 WHEREAS, the City Council supports the efforts of the CFPB in attempting to
20 address the issue of predatory lending practices, and wishes to provide public comment
21 to the CFPB which encourages the CFPB to address potential loopholes contained in
22 the proposed rule.
23

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

27 Section 1 – The City Council wishes to respectfully request that the CFPB
28 reconsider three key aspects of the proposed rule:
29

30 a) That the proposed rule provides unnecessary exceptions to the ability-to-pay-
31 requirement which should be eliminated.
32

33 b) That the proposed rule does not adequately address the issue of “flipping” short
34 term loans. The language of the proposed rule makes it possible for predatory
35 lenders to continue placing borrowers in ten or more payday loans a year.

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- c) That the proposed rule does not go far enough to ensure that, after repaying a loan the borrower will have enough funds left over to pay basic living expenses without having to resort to re-borrowing.

Section 2 – The City Council wishes to respectfully request that the CFPB revise the proposed rule as follows:

- a) Require an ability-to-pay determination on every payday or auto title loan, without exception.
- b) Limit the total indebtedness in short-term loans to 90 days per year.
- c) Strengthen protections against “flipping” loans, especially for those loans issued for longer than 45 days.
- d) Require lenders to show that loan payments will leave borrowers with enough funds to still be able to afford basic living expenses.
- e) Provide regulations which check the extraordinary leverage that lenders have to extract repayment of these types of loans.

Section 3 - The City Council hereby directs the City Manager or his designee to forward this resolution to the CFPB in connection with the public comment process.

Section 4 - This Resolution shall be effective immediately upon adoption.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Resolution _____

Approved as to form: Achalee T. Weder, Assistant City Attorney

Approved for Council action: Greg Bunt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 218

FILED: 09-13-16

ORIGINATING DEPARTMENT: Law

PURPOSE: To provide public comment to the Consumer Financial Protection Bureau (the "CFPB") requesting that the CFPB address potential loopholes contained in its proposed rules regarding payday loans and car title loans.

BACKGROUND INFORMATION: On July 21, 2016, the CFPB published a proposed rule in the Federal Register. This proposed rule is intended to regulate payday loans and car title loans. The CFPB is currently taking public comments on the proposed rule. This Resolution, if enacted by City Council, would be forwarded to the CFPB as part of the public commenting process.

Submitted by:



Nicholas Woodman, Assistant City Attorney

Recommended by:



Frank Romines, City Attorney

Approved by:



Greg Burris, City Manager

One-rdg. X
P. Hrngs.
Pgs. 14
Filed: 09-13-16

Sponsored by: Fisk

First Reading:

Second Reading:

COUNCIL BILL NO. 2016- 219

SPECIAL ORDINANCE NO.

AN ORDINANCE

1 ACCEPTING the bid of Flat Creek Excavating, LLC, in the amount of \$198,858.84 for
2 the construction of sanitary sewers in Sanitary Sewer District No. 91 of
3 Section No. 1, located in the vicinity of College Street and Broadway
4 Avenue, as indicated on "Exhibit A;" declaring the work to be necessary;
5 stating the intention to pay for all or part of the improvements from the
6 proceeds of bonds; specifying those costs and expenses to be assessed
7 against the properties in the district and the method by which the costs
8 will be apportioned; setting forth the manner of payment, the lien of the
9 assessments, and the duration of the lien; setting forth the interest rate to
10 be charged on the tax bills; authorizing the City Manager, or his
11 designee, to enter into a contract and to approve the bond for said
12 improvement; and authorizing progress payments to be made to the
13 contractor; and declaring that this bill qualifies for approval in one
14 reading.

15 _____
16

17 WHEREAS, Flat Creek Excavating, LLC, is the lowest responsible and
18 responsive bidder for the construction of district sanitary sewers in Sanitary Sewer
19 District No. 91 of Section No. 1.

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

23
24 Section 1 – The City Council hereby accepts the bid of Flat Creek Excavating,
25 LLC, and awards the contract to said bidder for the cost of labor, materials, engineering,
26 abstracting, publications, right(s)-of-way, and all work necessary for the construction of
27 sanitary sewers in Sanitary Sewer District No. 91 of Section No. 1 (Project), said bidder
28 submitting the lowest responsible and responsive bid in the amount of \$198,858.84,
29 except as said sum and price may be lawfully increased or decreased by the actual
30 quantities of work units involved. The City Manager, or his designee, is hereby
31 authorized to enter into a contract with said bidder for such work and to approve a bond
32 from the contractor for labor, materials, and performance in accordance with the terms
33 of the bid, the plans, and the specifications prepared by the Director of Environmental

34 Services and ordinances and resolutions of the City governing the construction. The
35 Engineer's estimate on file in the office of the City Clerk is incorporated herein by
36 reference.

37
38 Section 2 – The City Council hereby declares it necessary to construct sanitary
39 sewers in Sanitary Sewer District No. 91 of Section No. 1 in the City.

40
41 Section 3 – The City Council has issued special assessment general obligation
42 bonds pursuant to Article 6, Section 26(d) of the Missouri Constitution to pay for all or
43 part of the construction cost, including interest incurred by the City in financing the
44 Project. Special assessments issued by the City pursuant to this bill and other
45 ordinances of the City shall be used to pay for such bonds. Such bonds shall be for a
46 period of 15 years.

47
48 Section 4 – Except for any amount the City contributes to the Project, which is
49 subject to the actual quantities of work units involved, the following costs should be
50 specially assessed against each property in the benefited district by special tax
51 assessment and special tax bills issued to the City for collection: the cost of all
52 necessary materials and labor to construct the sanitary sewers; the cost of publications
53 pertaining to said construction; the cost of abstracts; the cost of engineering for Plan
54 Review of the improvements, which shall not exceed 15 percent of the contract bid price
55 or the estimated price, whichever is the lesser; the cost of right(s)-of-way necessarily
56 acquired by the City for the construction of said improvement; and a connection fee in
57 the amount required by Section 120-246 of the City Code. The special assessment
58 shall be levied against each property in said sewer district in proportion to the square
59 footage of said property.

60
61 The special tax bills shall be payable in 15 equal annual installments becoming
62 due together with interest at the rate set forth herein below on each anniversary date
63 after the issuance thereof, for a period of 15 years after the date of issuance of the tax
64 bills; provided, however, that the person paying such tax bills shall have the right to pay
65 the same in part or in full within 30 days after issuance thereof with no interest, and
66 shall have the further right to pay any combination of annual principal payments or the
67 unpaid balance of said tax bills with interest thereon up to the date of payment, within
68 30 days after the end of any yearly period when any installment is payable. In addition
69 to the above, tax bills may be paid in full at any time during the year with interest
70 thereon up to the date of payment.

71
72 Special tax bills in the district are eligible for the City Sewer Financial Assistance
73 Program under Chapter 98, Article VI, Section 98-286(4)b of the City Code.

74
75 Section 5 – The City Council hereby finds and declares that a majority of the
76 resident owners of the property liable to taxation therefore, who also own a majority of
77 the front feet owned by residents of the City abutting on the improvements or part
78 thereof proposed to be made, have not filed with the City Clerk a valid protest against
79 such improvement.

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Section 6 – Every special assessment shall be a lien against the property therein described, from the date of issuance, which lien shall continue for a period of 16 years thereafter, unless sooner paid in full, or in the event suit is brought on any such assessment within the time herein limited, the lien shall continue until the termination of the legal proceedings to collect the same, including any sale of the property charged.

The provisions of Sections 98-215, 98-216, 98-217, 98-218, 98-219, 98-220, 98-221, 98-286, 98-291, and 98-292 of the City Code shall apply to special tax bills issued pursuant to this resolution, except where such sections are inconsistent with this ordinance or the ordinances authorizing this project.

If any special assessment of any lot, tract, or parcel of ground is found invalid by any court of competent jurisdiction, the City Council may reassess the benefit and the cost against such tracts and parcels of ground in the sewer district which are benefited by the improvements constructed therein or said special assessment may be made against the City at large.

Section 7 – Progress payments shall be made to the contractor.

Section 8 – The City Council hereby sets the interest rate on the sewer tax bills to be issued by the City for Sanitary Sewer District No. 91 of Section No. 1 as the percentage rate of annual interest that is payable by the United States of America on ten-year treasury notes at the most recent auction before the date of the issuance of sewer tax bills, as is set forth in Section 88.812 of the Revised Statutes of Missouri.

Section 9 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City.

Section 10 – This ordinance is for a public improvement, where a special tax bill is issued, and should be a one-reading bill under City Charter Section 10.15. Therefore, this ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jim Wilkinson, Assistant City Attorney

Approved for Council action: Greg Bennett, City Manager

EXPLANATION TO COUNCIL BILL NO. 2016- 219

FILED: 09-13-16

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: To accept the bid of Flat Creek Excavating, LLC, in the amount of \$198,858.84 for the construction of sanitary sewers in Sanitary Sewer District No. 91 of Section No. 1, located in the vicinity of College Street and Broadway Avenue "Exhibit A;" declaring the work to be necessary; stating the intention to pay for all or part of the improvements from the proceeds of bonds; specifying those costs and expenses to be assessed against the properties in the district and the method by which the costs will be apportioned; setting forth the manner of payment, the lien of the assessments, and the duration of the lien; setting forth the interest rate to be charged on the tax bills; authorizing the City Manager, or his designee, to enter into a contract in substantially similar form to "Exhibit B" and to approve the bond for said improvement; and authorizing progress payments to be made to the contractor.

BACKGROUND:

1. The project is scheduled for construction as part of the City's sewer construction program, as established in Resolution No. 7995, to eliminate septic tanks within the City limits and to encourage infill by providing sanitary sewer service. This project will be funded by sewer improvement bonds that are already budgeted. It will make sewer available to 15 tracts which will eliminate 10 septic systems from within the city limits of Springfield.
2. Special Ordinance No. 26608, passed by City Council on August 10, 2015, established and defined the boundaries for Sanitary Sewer District No. 91 of Section No. 1.
3. Plans, specifications, and a cost estimate have been prepared by the Department of Environmental Services and are on file in the Director's office.
4. Wastewater from this district would flow to the Southwest Treatment Plant.
5. The project was advertised in the *Daily Events* on June 29, 2016, through July 1, 2016.
6. Bids were opened in the Busch Building on July 26, 2016, at 10:30 a.m. The following bids were received:

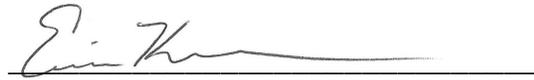
<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Flat Creek Excavating, LLC	\$ 198,858.84
Hamilton and Dad, Inc.	\$ 233,411.85
Tom Boyce Excavating, Inc.	\$ 333,008.75
Engineer's Estimate	\$ 280,252.50

7. The lowest responsible and responsive bidder for Sanitary Sewer District No. 91 of Section No. 1 is Flat Creek Excavating, LLC. Flat Creek Excavating, LLC, is a local contractor.
8. Tax bills will be issued for the actual costs to construct the sanitary sewers for Sanitary Sewer District No. 91 of Section No. 1 upon completion of the project. Based upon the bid received, the estimated cost for property owners is \$1.1469 per square foot of property owned.
9. To assist property owners with the costs associated with the sewer tax bills and sewer hookup, several programs are available. The City Sewer Financial Assistance Program provides residential property owners the opportunity to take advantage of a maximum cap per tract on the tax bill amount. A low-interest loan to help with costs for hookup to the sewer is available through the Division of Clean Water Services. The Sanitary Sewer Installation and Connection Assistance Program provides two types of assistance for low- and moderate-income families. One provides a deferred, no-interest loan for sewer hookup costs. The other is a direct grant to offset the cost of the tax bill. The City also provides a 15-year, low-interest payback arrangement for tax bill costs.
10. Letters have been mailed to property owners in the district with information regarding the proposed sewer construction, related costs, and available assistance programs.
11. Resolution No. 10281, passed by City Council on August 22, 2016, declared it necessary to construct sanitary sewers in Sanitary Sewer District No. 91 of Section No. 1.
12. Resolution No. 10281 was published in the *Daily Events* on August 27, 2016, through August 31, 2016. The resolution was also posted in three locations within the district. A valid remonstrance has not been filed.
13. This ordinance is for a public improvement, where a special tax bill is issued, and should be a one-reading bill under City Charter Section 10.15.

14. This resolution supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 5, Protect and preserve our natural resources for future generations; Objective 5b, Maintain high water quality and increase water quantity by securing and improving water resources for future generations; and Objective 5c, Protect our caves and karst ecosystems which contain plants, animals, and natural communities that depend on the surrounding land and water to thrive and survive; Chapter 10, Public Health; Major Goal 5, Develop and ensure safe and health environments both indoors and outdoors; Objective 5c, Ensure a clean and sustainable water supply.

REMARKS: Environmental Services recommends passage of this Council bill.

Submitted by:



Errin Kemper,
Assistant Director of Environmental Services

Recommended by:



Stephen Meyer,
Director of Environmental Services

Approved by:



Greg Burris,
City Manager

SANITARY SEWERS DISTRICT 91 OF SECTION 1

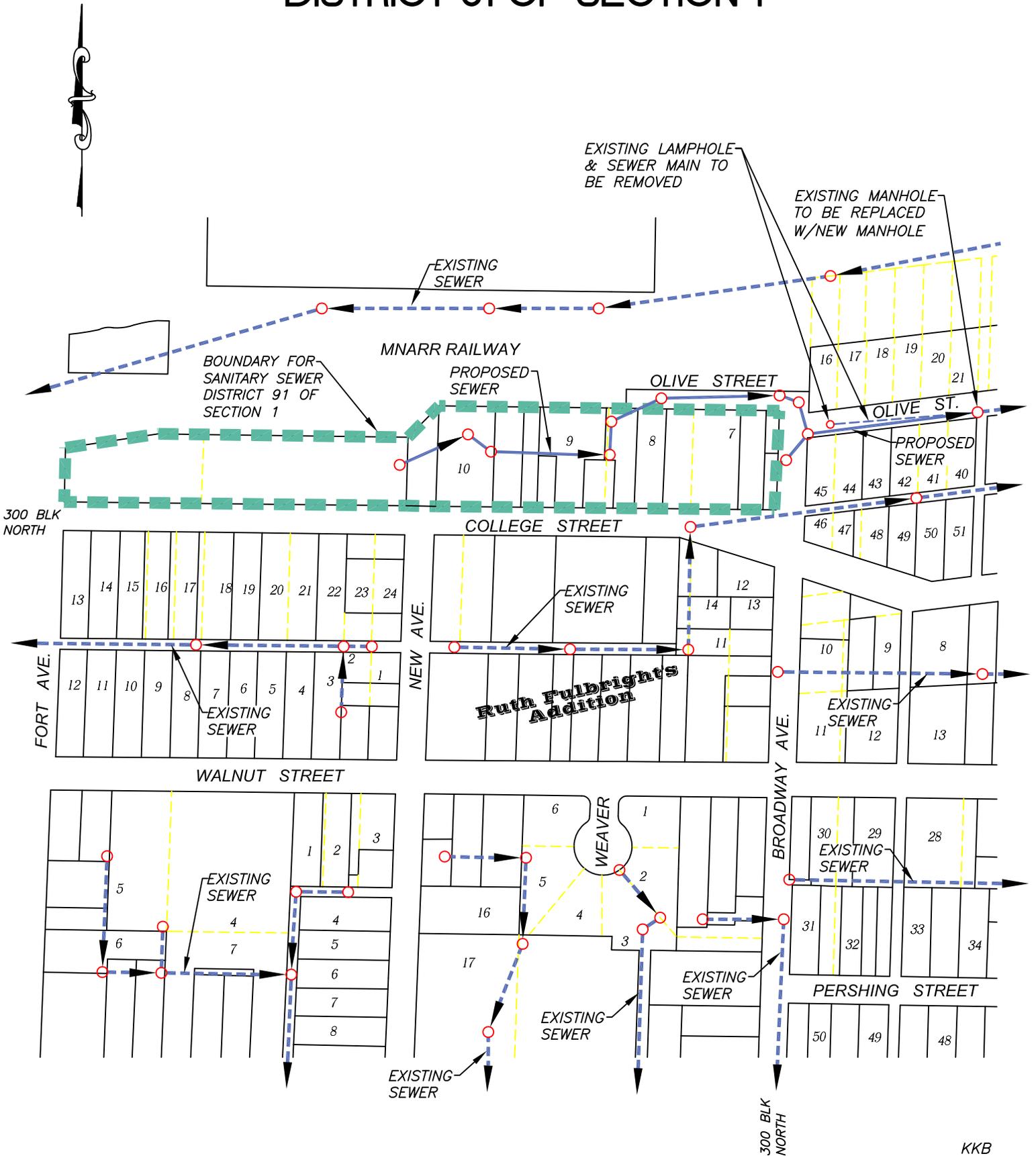


Exhibit B

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) CONTRACTOR	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
CITY		CONTRACTOR	
CITY OF SPRINGFIELD 840 BOONVILLE, P.O. BOX 8368 SPRINGFIELD, MO 65802 PHONE: (417) 864-1931 FAX: (417) 864-1983 ATTN: CARL W. KNUCKLES DEPT.: ENVIRONMENTAL SERVICES		NAME: FLAT CREEK EXCAVATING, LLC ADDRESS: 14843 BUSINESS HWY. 13, STE. #1 BRANSON WEST, MO 65737 PHONE: (417) 739-2099 FAX: ATTN: JOHN ESCOBAR	

AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 20____, by the parties identified above.

WITNESSETH: That whereas, the Contractor has become the lowest responsible bidder for furnishing the supervision, labor, tools, equipment, materials and supplies and for constructing the following City improvements:

SANITARY SEWER DISTRICT 91 OF SECTION 1, 2013PW0009s

The City and Contractor agree to the following:

1. Manner and Time for Completion. The Contractor will furnish all supervision, labor, tools, equipment, materials and supplies necessary to perform, and to perform said work at Contractor's own expense in accordance with the contract documents and any applicable City ordinances and state and federal laws within **100 calendar days** from the date Contractor is ordered to proceed, which order shall be issued by the Director of Environmental Services within 30 days after the date of this contract.

2. Prevailing Wages. All labor utilized in the construction of the aforementioned improvements shall be paid a wage of no less than the "prevailing hourly rate of wages" for work of a similar character in this locality, as established and amended at any time by the Department of Labor and Industrial Relations of the State of Missouri. At any time the contractor is found to not have paid prevailing wages, the contractor shall forfeit as a penalty to the city one hundred dollars for each underpaid worker employed, for each calendar day, or portion thereof such worker is paid less than the said stipulated rates for any work done under this contract.

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

The certificates of insurance, including evidence of the required endorsements hereunder or the policies, shall be filed with the City within ten (10) days after the date of the receipt of Notice of Award of the Contract to the Contractor and prior to the start of work. All insurance policies shall require that the insurance company in question provide thirty (30) days written notice prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to:

Such policies shall name the City as an additional insured, with limits of liability not less than the sovereign immunity limits for Missouri public entities calculated by the Missouri Department of Insurance as of January 1 each calendar year and published annually in the Missouri Register pursuant to Section 537.610, RSMo. (See, <http://insurance.mo.gov/industry/sovimunity.php>)

As of January 1, 2016, the minimum coverage for the insurance referred to herein shall be as set out below:

- a. **Workers' Compensation....**Statutory coverage per RSMo 287.010 et seq
Employer's Liability..... \$1,000,000.00

b. **Commercial General Liability Insurance**, including coverage for Premises, Operations, Products and Completed Operations, Contractual Liability, Broad Form Property Damage, Independent Contractors, Explosion, Collapse, and Underground Property Damage and endorsed for blasting if blasting required. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least Two Million Seven Hundred Thirty-Four Thousand Five Hundred Sixty-Seven and no/100 Dollars (\$2,734,567.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Ten Thousand One Hundred Eighty-Five and no/100 Dollars (\$410,185.00) with respect to injuries and/or death of any one person in a single occurrence and an amount not less than at least \$1,000,000 for all claims to property arising out of a single occurrence and at least \$100,000 to any one owner with respect to damages to property. Contractor agrees that the proceeds of such insurance policy shall first be used to pay any award, damages, costs, and/or attorneys' fees incurred by or assessed against City, its employees, officers and agents, before payment of any award, damages, costs or attorneys fees of Contractor, its employees, officers or agents. Contractor agrees to cause its insurer to name City as an additional insured on such insurance policy, including the City as an additional insured for coverage under its products-completed operations hazard, and said policy shall be primary and noncontributory. Aggregate Limit must apply on a Per Project basis, and the endorsement must accompany the certificate of insurance. A Waiver of Subrogation endorsement must be provided by contractor in favor of the City.

c. **Automobile Liability Insurance** covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least Two Million Seven Hundred Thirty-Four Thousand Five Hundred Sixty-Seven and no/100 Dollars (\$2,734,567.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Ten Thousand One Hundred Eighty-Five and no/100 Dollars (\$410,185.00) with respect to injuries and/or death of any one person in a single accident or occurrence.

d. **Subcontracts.** In case any or all of this work is sublet, the Contractor shall require the subcontractor to procure and maintain all insurance required in subparagraphs (a), (b) and (c) hereof and in like amounts. Contractor shall require any and all subcontractors with whom it enters into a contract to perform work on this project to protect the City of Springfield through insurance against applicable hazards or risks and shall, upon request of the City, provide evidence of such insurance.

e. **Notice.** The Contractor and/or subcontractor shall furnish the City prior to beginning the work, the policy as specified in subparagraph (d), and satisfactory proof of carriage of all the insurance required by this contract, with the provision that policies shall not be canceled, modified or non-renewed without thirty (30) days written notice to the City of Springfield.

f. **Legislative or Judicial Changes.** In the event the scope or extent of the City's tort liability as a governmental entity as described in Section 537.600 through 537.650 RSMo is broadened or increased during the term of this agreement by legislative or judicial action, the City may require Contractor, upon 10 days written notice, to execute a contract addendum whereby the Contractor agrees to provide, at a price not exceeding Contractor's actual increased premium cost, additional liability insurance coverage as the City may require to protect the City from increased tort liability exposure as the result of such legislative or judicial action. Any such additional insurance coverage shall be evidenced by an appropriate certificate of insurance and shall take effect within the time set forth in the addendum.

4. Performance, Labor, and Materials Payment Bond: The Contractor shall furnish a Performance Bond and a Labor and Materials Payment Bond with surety approved by the City and on the forms approved by the City, each bond shall be in the amount of **\$158,392.90** (full amount of contract) conditioned upon the full and faithful performance of all major terms and conditions of this contract and payment of all labor and material suppliers. It is further mutually agreed between the parties hereto that if at any time

after the execution of this agreement and the surety bond(s) hereto attached for its faithful performance and payment of labor and material suppliers, the City shall deem the surety or sureties upon such bond(s) to be unsatisfactory, or if, for any reason, such bond(s) ceases to be adequate to cover the performance of the work, the Contractor shall, at its expense, within five (5) days after the receipt of notice from the City to do so, furnish an additional bond or bonds, in such form and amount, and with such surety or sureties as shall be satisfactory to the City. In such event no further payment to the Contractor shall be deemed to be due under this contract until such new or additional security for the faithful performance of the work and the payment of labor and material suppliers shall be furnished in a manner and form satisfactory to the City. The corporate surety on any performance or payment bond must be licensed by the State of Missouri and if the required bond exceeds \$25,000.00 must be listed in United States Treasury Circular 570.

5. Contractor's responsibility for subcontractors. The Contractor shall be as fully responsible to the City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons it directly employs. Contractor shall cause appropriate provisions to be inserted in all subcontracts relating to this work, to bind all subcontractors to Contractor by all the terms herein set forth, and insofar as applicable to the work of subcontractors and to give Contractor the same power regarding termination of any subcontract as the City may exercise over Contractor under any provisions of this contract. Nothing contained in this contract shall create any contractual relation between the subcontractor and the City or between any subcontractors.

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

7. Liquidated Damages. Time of completion of work by the Contractor is of the essence. Should Contractor, or in the case of default, the surety, fail to substantially complete the work within the time specified in the contract, or within such extra time as may be allowed, Contractor (or surety) shall be liable to the City in the amount of **\$500 per day** for each and every calendar day that the contract remains uncompleted after the time allowed for substantial completion, as liquidated damages, and not as a penalty, it being stipulated that actual damages to the City and the public arising from Contractor's failure to timely complete the work would be difficult, if not impossible, to ascertain. The amount assessed as liquidated damages may be withheld from any moneys otherwise due to Contractor from the City. The project is not considered complete until final acceptance by the City. After substantial completion, liquidated damages for failure to complete the remaining work shall be in the amount specified in the General Conditions, unless an amount is provided in the Job Special Provision, in which case, the Job Special Provision amount will apply.

8. Termination for Cause. The City reserves the right to terminate this contract by giving at least five (5) days prior written notice to the Contractor, without prejudice to any other rights or remedies of the City should the Contractor be adjudged a bankrupt, or if Contractor should make a general assignment for the benefit of its creditors, or if a receiver should be appointed for Contractor or for any of its property, or if Contractor should persistently or repeatedly refuse or fail to supply enough properly skilled workmen or proper material, or if Contractor should refuse or fail to make prompt payment to any person supplying labor or materials for the work under the contract, or persistently disregard instructions of the City or fail to observe or perform any provisions of the contract.

9. City's Right to Proceed. In the event this contract is terminated pursuant to Paragraph 8, then the City may take over the work and prosecute the same to completion, by contract or otherwise, and Contractor and its sureties shall be liable to the City for any costs over the amount of this contract thereby occasioned by the City. In any such case, the City may take possession of, and utilize in completing the work, such materials, appliances and structures as may be on the work site and are necessary for completion of the work. The foregoing provisions are in addition to, and not in limitation of, the rights of the City under any other provisions of the contract, city ordinances, and state and federal laws.

10. Termination for Convenience of City. The City shall have the right at any time by written notice to Contractor to terminate and cancel this contract, without cause, for the convenience of the City, and Contractor shall immediately stop work. In such event City shall not be liable to Contractor except for payment for actual work performed prior to such notice in an amount proportionate to the completed contract price and for the actual costs of preparations made by Contractor for the performance of the cancelled portions of the contract, including a reasonable allowance of profit applicable to the actual work performed and such preparations. Anticipatory profits and consequential damages shall not be recoverable by Contractor.

11. Guards and Lights. The Contractor agrees that during the performance of said work, adequate barricades, guards and warning signs, lights or devices consistent with the requirements contained in the Manual on Uniform Traffic Control Devices shall be provided by Contractor during the term of this Agreement.

12. Liability and Indemnity.

a. In no event shall the City be liable to the Contractor for special, indirect, or consequential damages, except those caused by the City's gross negligence or willful or wanton misconduct arising out of or in any way connected with a breach of this contract. The maximum liability of the City shall be limited to the amount of money to be paid or received by the City under this contract.

b. The Contractor shall defend, indemnify and save harmless the City, its elected or appointed officials, agents and employees from and against any and all liability, suits, damages, costs (including attorney fees), losses, outlays and expenses from claims in any manner caused by, or allegedly caused by, or arising out of, or connected with, this contract, or the work or any subcontract thereunder (the Contractor hereby assuming full responsibility for relations with subcontractors), including, but not limited to, claims for personal injuries, death, property damage, or for damages from the award of this contract to Contractor, notwithstanding any possible negligence, whether sole or concurrent, on the part of the City, its officials, agents and employees.

c. The Contractor shall indemnify and hold the City harmless from all wages or overtime compensation due any employees in rendering services pursuant to this agreement or any subcontract, including payment of reasonable attorneys' fees and costs in the defense of any claim made under the Fair Labor Standards Act, the Missouri Prevailing Wage Law or any other federal or state law.

d. The indemnification obligations of Contractor hereunder shall not be limited by any limitations as to the amount or type of damages, compensation or benefits payable by or for the Contractor, under any federal or state law, to any person asserting the claim against City, its elected or appointed officials, agents and employees, for which indemnification is sought.

e. The indemnification obligations herein shall not negate, abridge or reduce in any way any additional indemnification rights of the City, its elected or appointed officials, agents and employees, which are otherwise available under statute, or in law or equity.

f. Contractor affirms that it has had the opportunity to recover the costs of the liability insurance required in this agreement in its contract price. Contractor's obligation under this agreement to defend, indemnify, and hold harmless any person from that person's own negligence or wrongdoing is limited to the coverage and limits of the applicable insurance required of the Contractor under this agreement.

g. The Contractor shall indemnify and hold the City harmless for any penalties, fines, fees or costs, including costs of defense, which are charged or assessed by any Federal, state or local agency including, but not limited to, Environmental Protection Agency or Department of Natural Resources.

13. Payment for Labor and Materials. The Contractor agrees and binds itself to pay for all labor done, and for all the materials used in the construction of the work to be completed pursuant to this contract.

14. Payment. The City will pay the Contractor in accordance with the rate set forth in the contract documents on file in the Environmental Services Department and by this reference made a part hereof, which shall constitute full and complete compensation for the Contractor's work provided hereunder. It is expressly understood that in no event will the total compensation and reimbursement to be paid to the Contractor under the terms of this contract exceed the sum of **One Hundred Fifty-Eight Thousand Three Hundred Ninety-Two Dollars and Ninety Cents (\$158,392.90)** unless specifically and mutually agreed to in writing

by both the City and the Contractor. No partial payment to the Contractor shall operate as approval of acceptance of work done or materials furnished hereunder. Such compensation will be paid in progress payments (less five (5) percent retainage), as established by the City, subject to receipt of a requisition for payment and a statement of work provided by the Contractor and agreement by both the City and the Contractor that the Contractor has fully performed the work to be paid for in such progress payments in conformance with the contract.

15. Contract Documents. The contract documents shall consist of the following:

- a. This Contract
- b. All Change Orders
- c. Bid Plans and Specifications
- d. City of Springfield Standard General Conditions and Technical Specifications for Public Works Construction (07-01-13 Revised Edition)
- e. Special Conditions & Provisions
- f. Proposal
- g. Statement of Bidder's Qualifications
- h. Acknowledgment
- i. Performance Bond
- h. Payment and Material Bond
- k. Instructions to Bidders
- l. Non-collusion Affidavit
- m. Notice to Proceed

This contract, together with the other documents enumerated in this paragraph, forms the contract between the parties. These documents are as fully a part of the contract as if attached hereto or repeated herein.

16. Subsurface Conditions. Contractor agrees that information contained in the published reports and public actions of the Missouri Division of Geology and Land Survey shall be conclusive and binding upon the Contractor as to what subsurface conditions at the job site are reasonably anticipated or reasonably foreseeable.

17. Conflict of Interest. In accepting this contract, Contractor certifies that no member or officer of its firm or corporation is an officer or employee of the City of Springfield, Missouri, or any of its boards or agencies, and further that no officer or employee of the City has any financial interest, direct or indirect, in this contract. All applicable federal regulations and provisions of RSMo Section 105.450 et seq. shall not be violated.

18. Assignment. The Contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the City thereto, provided, however, that claims for money due or to become due to the Contractor from the City under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of such assignment or transfer shall be furnished in writing promptly to the City and the bond surety. Any such assignment is expressly subject to all rights and remedies of the City under this agreement, including the right to change or delete activities from the Contract or to terminate the same as provided herein, and no such assignment shall require the City to give any notice to any such assignee of any actions which the City may take under this agreement.

19. Nondiscrimination. The Contractor agrees in the performance of this contract not to discriminate on the ground or because of race, creed, color, national origin or ancestry, sex, religion, handicap, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee of Contractor or applicant for employment and shall include a similar provision in all subcontracts let or awarded hereunder. The parties hereby incorporate the requirements of 41 C.F.R. §§ 60-1.4(a)(7), 29 C.F.R. Part 471, Appendix A to Subpart A, 41 C.F.R. § 60-300.5(a) and 41 C.F.R. § 60-741.5(a), if applicable.

a. This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-300.5(a). This regulation prohibits discriminations against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.

b. This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-741.5(a). This regulation

prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.

20. Nonresident/Foreign Contractors. The Contractor shall procure and maintain during the life of this contract:

a. If the Contractor is a foreign corporation, a certificate of authority to transact business in the State of Missouri from the Secretary of State, unless exempt pursuant to the provisions of Section 351.570 RSMo.

b. A certificate from the Missouri Director of Revenue evidencing compliance with the transient employer financial assurance law, unless exempt pursuant to the provisions of Section 285.230 RSMo.

21. Notices. All notices required or permitted hereinunder and required to be in writing may be given by FAX or by first class mail addressed to City and Contractor at the addresses shown above. The date of delivery of any notice given by mail shall be the date falling on the second full day after the day of its mailing. The date of delivery of notice by FAX transmission shall be deemed to be the date transmission occurs, except where the transmission is not completed by 5:00 p.m. on a regular business day at the terminal of the receiving party, in which case the date of delivery shall be deemed to fall on the next regular business day for the receiving party.

22. Occupational License: The Contractor shall obtain and maintain an occupational license with the City of Springfield, Missouri, if required by city code and any required state or federal license. The cost for this occupational license shall be borne by the Contractor. No contract will be executed by the City until this occupational license has been obtained and that the Contractor is current on any City taxes is verified.

23. Safety Training. Pursuant to Missouri Revised Statute Section 292.675, Contractors and subcontractors who sign a contract to work on public works projects must provide a 10-hour OSHA construction safety program, or similar program approved by the Department of Labor and Industrial Relations, to be completed by their on-site employees within sixty (60) days of beginning work on the construction project. The Contractor shall provide an acceptable notarized affidavit stating that Contractor has verified the completion of a 10-hour construction safety program with respect to the employees working in connection with the contracted services. Contractors and subcontractors in violation of this provision will forfeit to the public body \$2,500 plus \$100 a day for each employee who is employed without training. Public bodies and contractors may withhold assess penalties from the payment due to those contractors and subcontractors. The penalties shall not begin to accrue until the time periods in the statute have elapsed (60 days after notice to proceed and 20 days to produce documentation for employee found in violation).

24. Affidavit for Contracts Over \$5,000.00. That pursuant to Missouri Revised Statute Sections 285.525 through 285.550, if this contract exceeds the amount of \$5,000.00 and Contractor is associated with a business entity, Contractor shall provide an acceptable notarized affidavit stating that the associated business entity is enrolled in and participates in a federal work authorization program with respect to the employees working in connection with the contracted services, and that said business entity does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. Additionally, Contractor must provide documentation for said business entity evidencing current enrollment in a federal work authorization program.

25. Compliance with Laws. Contractor agrees to comply with all applicable federal, state and local laws or rules and regulations applicable to the provision of services and products hereunder. Contractor affirmatively states that payment of all local, state, and federal taxes and assessments owed by Contractor is current.

26. Entire Agreement. This agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.

27. Jurisdiction. This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this agreement be adjudicated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year herein stated.

REVIEWED BY:

Assistant Director of Environmental Services or Acting Assistant

RECOMMENDED BY:

Director of Environmental Services or Acting Director

CONTRACTOR:

By: _____

Printed Name: _____

Title: _____

CITY OF SPRINGFIELD, MISSOURI

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

By: _____

City Manager or his/her designee

Director of Finance or Acting Director

APPROVED AS TO FORM

City Attorney or Assistant City Attorney

One-rdg. _____
P. Hrngs. _____
Pgs. 24
Filed: 09-13-16

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016 - 220

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 0.90 acres of property, generally located at 222
3 East Primrose Street, from Planned Development 21 Amendment 1
4 District, to a GR, General Retail District; and adopting an updated Official
5 Zoning Map. (Staff and Planning and Zoning Commission recommend
6 approval).
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 described on "Exhibit A" of this Ordinance, generally located at 222 East Primrose
11 Street, from Planned Development 21 Amendment 1 District to GR, General Retail
12 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 B," 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 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 A" is hereby, rezoned from
26 Planned Development 21 Amendment 1 District to GR, General Retail District; and the
27 Springfield Land Development Code, Section 36-306 thereof, Zoning Maps, is hereby
28 amended, changed and modified accordingly.
29

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

34 Rules of Interpretation.

35

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

38

39 Section 4 – This ordinance shall be in full force and effect from and after
40 passage.

41

42 Passed at meeting: _____

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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Achalee T. Weder, Assistant City Attorney

Approved for Council action: Greg Bunn, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 220

FILED: 09-13-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.90 acres of property generally located at 222 East Primrose Street from a Planned Development 21 Amendment 1 District, to a GR, General Retail District. (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-13-2016

The applicant is proposing to rezone the subject property from a Planned Development 21 Amendment 1 District, to a GR, General Retail District.

The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for medium intensity retail, office or housing. The *Plan* identifies the General Retail district as appropriate for this land use category.

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, September 1, 2016, and recommended approval, by a vote of 5 to 0, of the proposed zoning on the tract of land described in "Exhibit A" (see the attached Record of Proceedings "Exhibit B").

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for medium intensity retail, office or housing. The *Plan* identifies the General Retail district as appropriate for this land use category.
2. Approval of this application will provide for the continued productive use of the subject property which is already served by public facilities and services.

Submitted by:



Michael Sparlin, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

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

ATTACHMENTS:

- Attachment 1: Department Comments
- Attachment 2: Neighborhood Meeting Summary

Exhibit A

LEGAL DESCRIPTION
ZONING CASE Z-13-2016

All of Lot One (1), Final Plat of Kickapoo Prairie Estates East 6th Addition, in the City of Springfield, Greene County, Missouri.

Exhibit B

**RECORD OF PROCEEDINGS
ZONING CASE Z-13-2016
Planning and Zoning Commission September 1, 2016**

Z-13-2016
222 East Primrose Street
Applicant: Lipscomb Properties, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.90 acres of property generally located at 222 East Primrose Street from a Planned Development 21 Amendment 1 District to a GR, General Retail District.

The Growth Management and Land Use Plan Element of the Comprehensive Plan identify this area appropriate for medium intensity retail, office or housing. The Plan identifies the General Retail district as appropriate for this land use category. The subject property is near the James River Freeway and Campbell Avenue Activity Center. The property is located at the corner of Primrose Street, a secondary arterial roadway and South Avenue, a collector roadway, both of which are appropriate for GR, General Retail uses. A traffic study was not warranted. The PD has similar uses to the GR. Buyout in lieu of on-site stormwater detention is not an option. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Derek Lee, Lee Engineering, 1200 E. Woodhurst representing the owner and to answer any questions. This is an existing strip center and they want to add the use of a pharmacy that will primarily serve the Pain Management Center currently located in the strip center.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned that we approve Z-13-2016 (222 East Primrose Street). Mr. Coltrin seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

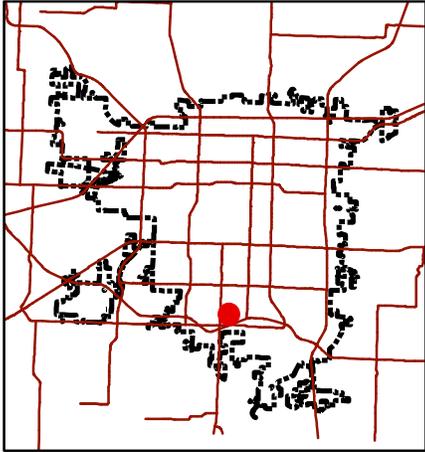
Bob Hosmer, AICP
Principal Planner

Development Review Staff Report

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

Z-13-2016

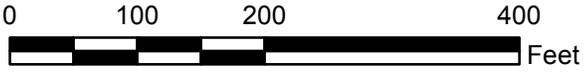
LOCATION: 222 East Primrose Street
CURRENT ZONING: Planned Development 21 Amendment 1
PROPOSED ZONING: GR, General Retail



LOCATION SKETCH



 - Area of Proposal



1 inch = 150 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-13-2016

PURPOSE: To rezone approximately 0.90 acres of property generally located at 222 East Primrose Street from a Planned Development 21 Amendment 1 District to a GR, General Retail District

REPORT DATE: August 18, 2016

LOCATION: 222 East Primrose Street

APPLICANT: Lipscomb Properties LLC

TRACT SIZE: Approximately 0.90 acres

EXISTING USE: Medical Offices uses

PROPOSED USE: Medical Office uses with pharmacy

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for medium intensity retail, office or housing. The *Plan* identifies the General Retail district as appropriate for this land use category.
2. Approval of this application will provide for the continued productive use of the subject property which is already served by public facilities and services.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	GR	Office Uses
East	PD 21 Amd. 1	General Office use
South	PD 21 Amd. 1	Financial Office and Bank use
West	PD 21 Amd. 1	General Office and Financial Office use

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. The subject property is near the James River Freeway and Campbell Avenue Activity Center as shown in the *Growth Management and Land Use Plan* element.

STAFF COMMENTS:

1. The applicant is requesting to rezone the subject property from a Planned Development 21 Amendment 1 District to a GR, General Retail District. The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies this area as appropriate for medium intensity retail, office or housing. The *Plan* identifies the General Retail district as appropriate for this land use category. The subject property is near the James River Freeway and Campbell Avenue Activity Center as shown in the *Growth Management and Land Use Plan* element. Activity Centers are identified as areas of significant business and high-density housing. It is intended that additional development be concentrated in and around these activity centers to optimize transportation investments, citizen convenience, investor confidence and a compact growth pattern. Properties within Activity Centers are to be intensively and efficiently used.
2. Approval of this application will provide for the continued productive use of the subject property which is already served by public facilities and services.
3. Approval of this application will allow compatible and consistent commercial uses with the surrounding zoning and development in this area.
4. The subject property is located on a corner of Primrose Street, a secondary arterial roadway and South Avenue, a collector roadway, both of which are appropriate for GR, General Retail uses.
5. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on August 9, 2016 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. Eleven (11) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

September 19, 2016

STAFF CONTACT PERSON:

Michael Sparlin
Senior Planner
864-1091

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-13-2016

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objection to rezoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies Primrose Street as a Secondary Arterial and South Avenue as a Collector. The standard right of way width for Primrose Street is 70 feet and 60 feet for South Avenue. Both are City maintained streets. The most recent traffic counts on Primrose Street are 12,876 vehicles per day and 2,245 vehicles per day on South Avenue. There is one existing driveway/access point along Primrose and one along South. There are sidewalks along both Primrose and South. The existing infrastructure meets current city standards. On-street parking is not allowed along the adjacent streets. There is not a greenway trail in the area. There is one bus stop along Primrose Street in proximity to the property. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are not any proposed improvements along Primrose Avenue or South Street. Traffic is not opposed to this zoning request.

Public Works Traffic Division	Response
Street classification	Primrose - Secondary Arterial; South - Collector
On-street parking along streets	No
Trip generation - existing use	240 ADT
Trip generation - proposed use	240 ADT
Existing street right of way widths	Primrose - 90 ft; South - 60 ft
Standard right of way widths	Primrose - 70 ft; South - 60 ft
Traffic study submitted	Not Required
Proposed street improvements	No

FIRE DEPARTMENT COMMENTS:

No issues with Fire Department

STORMWATER COMMENTS:

The property is located in the Ward Branch drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of any flooding

problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention is not an option. Since the project will not be disturbing more than one acre a land disturbance permit required will not be required. There are no existing detention ponds, retention basins, stream channels, pipes, culverts, or ditches available for this development to discharge into. There are no known sinkholes on the proposed property.

Please note that development (or re-development) of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. 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.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	Ward Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	No

CLEAN WATER SERVICES COMMENTS:

No objections to rezoning. Public sewer is currently available.

CITY UTILITIES:

No objection to rezoning. All utilities are available.

ATTACHMENT 2
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: PD-21 to GR
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: August 9th, 2016 4:00-6:30 PM
3. Meeting Location: 222 E. Primrose
4. Number of invitations that were sent: 38
5. How was the mailing list generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 6
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.)

All verbal comments given during the meeting were in favor of the rezone.

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

Written comments are attached.

I, Dalton Patterson (*print name*), attest that the neighborhood meeting was held on 8/9/16 (*month/date/year*), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

Dalton Patterson

Printed name of person completing affidavit



LEE ENGINEERING AND ASSOCIATES, L.L.C.
CIVIL ENGINEERING & LAND SURVEYING

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

COMMENT SHEET

Neighborhood Meeting
Tuesday, August 9, 2016

Re: Proposed Rezone
222 E. Primrose
Springfield, Missouri

NAME	ADDRESS	PHONE
ERIC ROBERTS	3734 South Avenue	881-1533 ext 2

COMMENTS: This is fine for our neighborhood
Eric Roberts

Jared Enterprises | Jared Management | Jared Properties | Jared Development | Jared Commercial

2870 S. Ingram Mill Rd., Suite A

Springfield, MO 65804

Work: 417.877.7900 | Fax: 417.877.7689

cjared@jaredenterprises.com www.jaredenterprises.com

August 2, 2016

Lee Engineering and Associates
1200 E Woodhurst Drive Suite D200
Springfield, MO 65804

RE: Proposed Rezoning

Dalton,

We are in receipt of your letter in regards to the proposed rezoning at 222 Primrose Springfield, MO.
Please let this letter serve as a letter of support in regards this project. Please let us know if you have any questions.

Sincerely

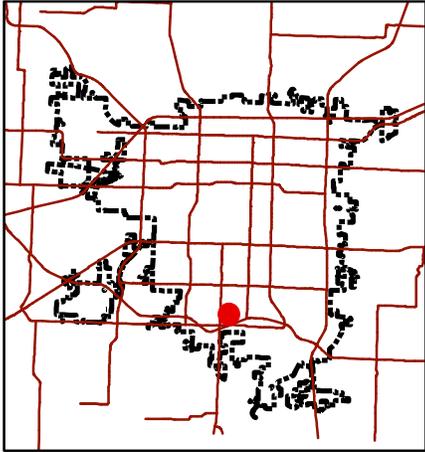
Curtis Jared, President
Jared Enterprises

Development Review Staff Report

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

Z-13-2016

LOCATION: 222 East Primrose Street
CURRENT ZONING: Planned Development 21 Amendment 1
PROPOSED ZONING: GR, General Retail



LOCATION SKETCH



 - Area of Proposal



1 inch = 150 feet

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2. Approval of this application will provide for the continued productive use of the subject property which is already served by public facilities and services.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	GR	Office Uses
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South	PD 21 Amd. 1	Financial Office and Bank use
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CITY COUNCIL MEETING:

September 19, 2016

STAFF CONTACT PERSON:

Michael Sparlin
Senior Planner
864-1091

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-13-2016

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objection to rezoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

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Public Works Traffic Division	Response
Street classification	Primrose - Secondary Arterial; South - Collector
On-street parking along streets	No
Trip generation - existing use	240 ADT
Trip generation - proposed use	240 ADT
Existing street right of way widths	Primrose - 90 ft; South - 60 ft
Standard right of way widths	Primrose - 70 ft; South - 60 ft
Traffic study submitted	Not Required
Proposed street improvements	No

FIRE DEPARTMENT COMMENTS:

No issues with Fire Department

STORMWATER COMMENTS:

The property is located in the Ward Branch drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of any flooding

problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention is not an option. Since the project will not be disturbing more than one acre a land disturbance permit required will not be required. There are no existing detention ponds, retention basins, stream channels, pipes, culverts, or ditches available for this development to discharge into. There are no known sinkholes on the proposed property.

Please note that development (or re-development) of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. 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.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	Ward Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	No

CLEAN WATER SERVICES COMMENTS:

No objections to rezoning. Public sewer is currently available.

CITY UTILITIES:

No objection to rezoning. All utilities are available.

ATTACHMENT 2
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: PD-21 to GR
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: August 9th, 2016 4:00-6:30 PM
3. Meeting Location: 222 E. Primrose
4. Number of invitations that were sent: 38
5. How was the mailing list generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 6
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.)

All verbal comments given during the meeting were in favor of the rezone.

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

Written comments are attached.

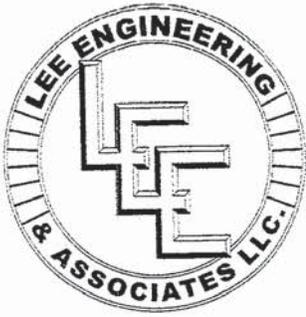
I, Dalton Patterson (*print name*), attest that the neighborhood meeting was held on 8/9/16 (*month/date/year*), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

Dalton Patterson

Printed name of person completing affidavit



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & LAND SURVEYING

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

COMMENT SHEET

Neighborhood Meeting
Tuesday, August 9, 2016

Re: Proposed Rezone
222 E. Primrose
Springfield, Missouri

NAME	ADDRESS	PHONE
ERIC ROBERTS	3734 South Avenue	881-1533 ext 2

COMMENTS: This is fine for our neighborhood
Eric Roberts

Jared Enterprises | Jared Management | Jared Properties | Jared Development | Jared Commercial
2870 S. Ingram Mill Rd., Suite A
Springfield, MO 65804
Work: 417.877.7900 | Fax: 417.877.7689
cjared@jaredenterprises.com www.jaredenterprises.com

August 2, 2016

Lee Engineering and Associates
1200 E Woodhurst Drive Suite D200
Springfield, MO 65804

RE: Proposed Rezoning

Dalton,

We are in receipt of your letter in regards to the proposed rezoning at 222 Primrose Springfield, MO.
Please let this letter serve as a letter of support in regards this project. Please let us know if you have any questions.

Sincerely

Curtis Jared, President
Jared Enterprises

One-rdg. _____
P. Hrngs. _____
Pgs. 10
Filed: 09-13-16

Sponsored by: Fishel

First Reading: _____
SUBSTITUTE
COUNCIL BILL NO. 2016- 221

Second Reading: _____
GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 0.6 acres of property, generally located at 1811
3 East Sunset Drive, from Planned Development No. 97, to LB, Limited
4 Business District Conditional Overlay District No. 112; and adopting an
5 updated Official Zoning Map. (Staff and Planning and Zoning Commission
6 recommend denial).
7
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 described in "Exhibit A" of this Ordinance, generally located at 1811 East Sunset Drive,
11 from Planned Development No. 97, to LB, Limited Business District Conditional Overlay
12 District No. 112; 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 B;" 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 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 A" of this Ordinance is hereby
26 rezoned from Planned Development No. 97, or such zoning district as is designated on
27 the Official Zoning Map adopted by the City Council, to LB, Limited Business District
28 Conditional Overlay District No. 112; that the requirements of Conditional Overlay
29 District No. 112, shall be as described in "Exhibit C" attached to this Ordinance, which is
30 hereby incorporated by reference as if set out verbatim and, shall apply to the subject
31 property; and that the Springfield Land Development Code, Section 36-306 thereof,
32 Zoning Maps, is hereby amended, changed and modified accordingly.
33

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

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

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

45
46 Passed at meeting: _____

47
48 _____
49 Mayor

50 Attest: _____, City Clerk

51
52
53 Filed as Ordinance: _____

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

55
56 Approved for Council action: Greg Bunt, City Manager

EXPLANATION TO SUBSTITUTE COUNCIL BILL NO: 2016- 221

FILED: 09-13-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.6 acre of property generally located at 1811 East Sunset Drive from Planned Development No. 97 to a LB, Limited Business District and establishing Conditional Overlay District No. 112 (Staff and Planning and Zoning Commission recommend denial).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-11-2016 CONDITIONAL OVERLAY DISTRICT NO. 112

The applicant is proposing to rezone the subject property from Planned Development No. 97 to a LB, Limited Business District and establishing Conditional Overlay District No. 112. The intent of this application is to facilitate the redevelopment of the site for a new retail/office building.

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area along the Glenstone Avenue corridor as appropriate for medium-intensity retail, office and residential uses. Office and Limited Business Districts are two of the zoning districts recommended in these areas. Since these land uses may have differing impacts on adjacent low-density housing and on traffic generation, the site planning guidelines of this plan and the regulations of the zoning ordinance must be observed during the site planning process.

The Limited Business District is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood sales and service uses permitted in this district. The district is designed to accommodate compact, freestanding commercial centers or to function as a transition between more intense commercial uses and residential neighborhoods. Because the permitted retail and personal service uses may be an integral part of the neighborhood, more restrictive requirements for light, air, open space, building design and landscaping are made than are provided in other commercial districts. The district should be located along or at the intersections of collector or higher classification streets.

The subject property is located at the intersection of Glenstone Avenue, a primary arterial roadway, and Sunset Drive, a collector roadway. No driveway accesses will be allowed along the Glenstone frontage. The City's spacing standards require that driveways be at least 200 feet from the intersection of an arterial and a collector. The subject property only has about 80 feet of frontage along Sunset Drive. Any driveway access to this property will not meet the City's spacing standards. The driveway

location will also conflict with the Edgewood Street intersection across Sunset Drive from the subject property point of access. Traffic from the residential areas to the east along Sunset Drive and Edgewood Street combined with commercial traffic from the Brentwood Shopping Center create safety and congestion concerns. The addition of a retail sales use could potentially create additional traffic safety and congestion within this area.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on September 1, 2016 and recommended denial, by a vote of 4 to 1, of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings, "Exhibit B").

The Planning and Development staff recommends the application be denied.

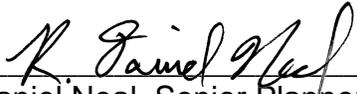
FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located at the intersection of Glenstone Avenue, a primary arterial roadway, and Sunset Drive, a collector roadway. The addition of a retail sales use could potentially create traffic safety and congestion issues.
2. This request for LB, Limited Business zoning will allow for retail uses which could potentially intensify the use of this location, which may not be compatible with adjacent R-SF, Single-Family Residential zoning.
3. The proposed Conditional Overlay District will restrict some of the high traffic generators such as eating and drinking establishment uses. However, the applicant has retained the retail sales use group (convenience stores without gas pumps) and any other retail sales use group uses which can also be high traffic generators.
4. Staff does not support retail sales uses and thus the LB District at this location because of its access restraints, lot configuration and proximity to R-SF, but would support O-1, Office District which has comparable uses to the existing PD.

REMARKS:

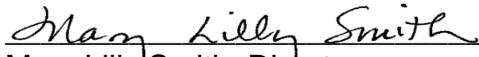
The Planning and Development staff recommends the application be denied.

Submitted by:



Daniel Neal, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

- Exhibit A, Legal Description
- Exhibit B, Record of Proceedings
- Exhibit C, Conditional Overlay Provisions

Exhibit A

LEGAL DESCRIPTION
ZONING CASE Z-11-2016 CONDITIONAL OVERLAY DISTRICT NO. 112

A TRACT OF LAND AS BEING ALL OF LOT 7 AND A PART OF LOTS 8 AND 9 OF THE SECOND AMENDED PLAT OF BRENTWOOD TERRACE, PLAT BOOK N, PAGE 24, AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2013, PAGE 0041808-13 AND IN BOOK 2016, PAGE 004210-16 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 9 OF THE SECOND AMENDED PLAT OF BRENTWOOD TERRACE, SAID POINT ALSO LYING ON THE NORTHERLY RIGHT-OF-WAY SUNSET DRIVE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, 83.06 FEET ALONG A 428.44 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 75°55'13" WEST FOR A DISTANCE OF 82.93 FEET TO THE SOUTHWEST CORNER OF LOT 9; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE WEST LINE OF LOT 9, NORTH 01°30'56" EAST, 82.93 FEET; THENCE LEAVING SAID WEST LINE, NORTH 89°06'37" WEST, 26.01 FEET; THENCE NORTH 00°58'48" EAST, 99.65 FEET TO A POINT LYING ON THE SOUTH LINE OF LOT 7; THENCE ALONG SAID SOUTH LINE, NORTH 88°13'33" WEST, 15.00 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF GLENSTONE AVENUE; THENCE LEAVING SAID SOUTH LINE AND ALONG SAID EAST RIGHT-OF-WAY, NORTH 01°15'39" EAST, 81.05 FEET TO A POINT LYING ON THE NORTH LINE OF LOT 7; THENCE LEAVING SAID EAST RIGHT-OF-WAY AND ALONG SAID NORTH LINE, SOUTH 86°39'33" EAST, 122.41 FEET TO THE NORTHEAST CORNER OF LOT 7; THENCE LEAVING SAID NORTH LINE AND ALONG THE EAST LINE OF LOT 7, SOUTH 01°33'27" WEST, 79.92 FEET TO THE NORTHEAST CORNER OF LOT 9; THENCE ALONG THE EAST LINE OF LOT 9 AND CONTINUING SOUTH 01°33'27" WEST, 157.30 FEET TO THE POINT OF BEGINNING. CONTAINING 0.599 ACRES, MORE OR LESS. ALL LYING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. CONDITIONS AND MONUMENTS ARE AS SHOWN ON ANDERSON ENGINEERING, INC. DRAWING NUMBER WB 110-506.

Exhibit B

**RECORD OF PROCEEDINGS
Planning and Zoning Commission September 1, 2016**

Z-11-2016 w/COD #112
1811 East Sunset Drive
Applicant: 1811 E. Sunset, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.6 acre of property generally located at 1811 East Sunset Drive from Planned Development No. 97 to a LB, Limited Business District and establishing Conditional Overlay District No. 112. The Growth Management and Land Use Plan of the Comprehensive Plan designate this area as appropriate for medium-intensity retail, office and residential uses. Office and Limited Business Districts are two of the zoning districts recommended in this area.

The applicant is proposing to rezone the property to facilitate the redevelopment of the site for a new retail/office building.

Planned Development No. 97 currently only permits administrative and professional offices-- finance, insurance, real estate services, medical offices and medical support activities.

CONDITIONAL OVERLAY DISTRICT PROVISIONS:

The requirements of Section 36-420. Limited Business District of the Springfield Zoning Ordinance shall be as modified herein for development within this district.

Prohibits the following permitted uses:

- Eating and drinking establishment use group, excluding drive-in, pick up window, or drive-thru facilities.

Prohibits the following conditional uses:

- Eating and drinking establishment use group, including drive-in, pick up window, or drive-thru facilities.
- Funeral homes and mortuaries (crematoriums are permitted as accessory use).
- General office use group, including banks and financial institutions with automatic teller machines and drive-thru facilities.
- Public service and public utility uses.
- Residential uses on the first floor frontage of a building.
- Retail sales use group, including convenience stores with gas pumps.

The applicant has retained the retail sales use group, including convenience stores without gas pumps and any other retail sales.

The addition of a retail sales use could potentially create additional traffic safety and congestion within this area. Staff does not support (LB District) retail sales uses at this location because of its access restraints, lot configuration and proximity to R-SF, properties. Staff does support O-1; Office District which is similar to the uses in the existing PD. Staff recommends denial.

Mr. Doennig opened the public hearing.

Mr. Rick Muenks, 3041 S. Kimbrough handed out a letter to the commission members. I am the owner/representative and represent the contracted buyer. The contracted buyer desires to construct a State Farm office and have additional lease space which may be office or retail. He wants to keep that option open and have the flexibility due to Glenstone Avenue. The site is small and will not be able to hold large retail, however it can support small retail, such as a boutique shop, etc., and this is why they are asking for the zoning change. Mr. Muenks went over the documentation that he has passed out to the commission members.

Mr. Coltrin asked Mr. Muenks about possible traffic backing up from the proposed plans and noted the problems that are currently there due to the number of vehicles turning in and out at the intersection.

Mr. Doennig asked about the additional right-of-way (ROW) improvements that are available and asked if the proposed buyer will be making any improvements to the intersection and Mr. Muenks noted that the proposed buyer will not make any improvements.

Ms. Cox asked for clarification and asked if State Farm's best interest would be for recommendation to Office District 1 (O-1) due to the proposed buyer not wanting to make any improvements to the intersection. Mr. Muenks noted that it has been discussed with staff on their recommendation for Office District 1 (O-1).

Ms. Cox noted that the current zoning would not work, but for the immediate timeframe that possibly Office District 1 (O-1) could be recommended and that possible future improvements could be looked at in the future.

Mr. Muenks noted that the proposed buyer would probably be okay with Office District 1 (O-1) for the immediate timeframe.

Mr. Doennig closed the public hearing.

Mr. Coltrin noted that this is a difficult decision and feels that Office District 1 (O-1) would be a step in the right direction.

Ms. Cox asked staff if the Commission can make a recommendation for Office District 1 (O-1) and would like to make a motion that addresses the concerns of the client, but appeases both sides of the issue.

Staff clarified that the Commission can make a recommendation for Limited Business (LB) or Office District 1 (O-1) and that during LDIC staff recommended straight Office District zoning with no limitations which allows retail but not to exceed 10% of the total office space.

COMMISSION ACTION: 1

Mr. Doennig motioned to approve Z-11-2016 w/COD #112 (1811 East Sunset Drive). Ms Cox seconded the motion. The motion **did not carry** as follows: Ayes: Ogilvy. Nays: Doennig, Shuler, Cox, and Coltrin. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

COMMISSION ACTION: 2

Ms. Cox motioned that Commission amend Z-11-2016 w/COD #112 (1811 East Sunset Drive) to Office District 1 (O-1). Mr. Shuler seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

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

Bob Hosmer, AICP
Principal Planner

Exhibit C

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-11-2016 & CONDITIONAL OVERLAY DISTRICT NO. 112

The requirements of *Section 36-420. Limited Business District* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

1. Prohibits the following permitted uses:
 - a. Eating and drinking establishment use group, excluding drive-in, pick up window, or drive-thru facilities.

2. Prohibits the following Conditional uses:
 - a. Eating and drinking establishment use group, including drive-in, pick up window, or drive-thru facilities.
 - b. Funeral homes and mortuaries (crematoriums are permitted as accessory use).
 - c. General office use group, including banks and financial institutions with automatic teller machines and drive-thru facilities.
 - d. Public service and public utility uses.
 - e. Residential uses on the first floor frontage of a building.
 - f. Retail sales use group, including convenience stores with gas pumps.

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed: 09-13-16

Sponsored by: Fishel

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 221

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 0.6 acres of property, generally located at 1811
3 East Sunset Drive, from Planned Development No. 97, to O-1, Office
4 District; and adopting an updated Official Zoning Map. (Staff and Planning
5 and Zoning Commission recommend approval).
6
7

8 WHEREAS, an application has been filed for a zoning change of the property
9 described in "Exhibit A" of this Ordinance, generally located at 1811 East Sunset Drive,
10 from Planned Development No. 97, to O-1, Office District; and
11

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

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

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

23 Section 1 –The property described in "Exhibit A" is hereby rezoned from Planned
24 Development No. 97, or such zoning district as is designated on the Official Zoning Map
25 adopted by the City Council, to O-1, Office District; and the Springfield Land
26 Development Code, Section 36-306 thereof, Zoning Maps, is hereby amended,
27 changed and modified accordingly.
28

29 Section 2 – The City Council hereby directs the City Manager, or his designee, to
30 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
31 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
32 for in the Springfield Land Development Code, Section 36-306, Official Zoning Maps
33 and Rules of Interpretation.

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

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Richard J. Wieden, Assistant City Attorney

Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016-221

FILED: 09-13-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.6 acre of property generally located at 1811 East Sunset Drive from Planned Development No. 97 to a O-1, Office District (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-11-2016

The intent of this application is to facilitate the redevelopment of the site for a new office building. The applicant's original request was to rezone the subject property from Planned Development No. 97 to a LB, Limited Business District and establishing Conditional Overlay District No. 112; however, at the Planning and Zoning Commission meeting the request was recommended for denial and the Commission amended the rezoning request to O-1, Office District. The Planning and Zoning Commission unanimously recommended approval of the amended rezoning request from Planned Development No. 97 to an O-1, Office District.

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area along the Glenstone Avenue corridor as appropriate for medium-intensity retail, office and residential uses. Office is one of the zoning districts recommended in these areas. Since these land uses may have differing impacts on adjacent low-density housing and on traffic generation, the site planning guidelines of this plan and the regulations of the zoning ordinance must be observed during the site planning process.

The O-1, Office District is designed to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas.

The existing Planned Development No. 97 allows for many of the same uses and site restrictions as the O-1, Office District and staff believes it is consistent with the Comprehensive Plan and intent of the O-1, Office District.

The subject property is located at the intersection of Glenstone Avenue, a primary arterial roadway, and Sunset Drive, a collector roadway, which is an appropriate location for the O-1, Office District.

This 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 corridor.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on September 1, 2016 and recommended denial of the original request to rezone to LB, Limited Business District, by a vote of 4 to 1, but then unanimously voted to amend the request to rezone the subject property to O-1, Office District by a vote of 5 to 0, on the tract of land described on the attached sheet (see the attached Record of Proceedings).

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area along the Glenstone Avenue corridor as appropriate for medium-intensity retail, office and residential uses. Office is one of the zoning districts recommended in this area.
2. The subject property is located at the intersection of Glenstone Avenue, a primary arterial roadway, and Sunset Drive, a collector roadway, which is an appropriate location for the O-1, Office District.
3. This proposed O-1, Office District use is comparable to the existing Planned Development No. 97 and does not intensify what is currently permitted.

REMARKS:

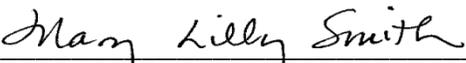
The Planning and Development staff recommends the application be approved (see the attached Zoning and Subdivision Report).

Submitted by:



Daniel Neal, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Neighborhood Meeting Summary

Exhibit A

LEGAL DESCRIPTION
ZONING CASE Z-11-2016 CONDITIONAL OVERLAY DISTRICT NO. 112

A TRACT OF LAND AS BEING ALL OF LOT 7 AND A PART OF LOTS 8 AND 9 OF THE SECOND AMENDED PLAT OF BRENTWOOD TERRACE, PLAT BOOK N, PAGE 24, AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2013, PAGE 0041808-13 AND IN BOOK 2016, PAGE 004210-16 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 9 OF THE SECOND AMENDED PLAT OF BRENTWOOD TERRACE, SAID POINT ALSO LYING ON THE NORTHERLY RIGHT-OF-WAY SUNSET DRIVE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, 83.06 FEET ALONG A 428.44 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 75°55'13" WEST FOR A DISTANCE OF 82.93 FEET TO THE SOUTHWEST CORNER OF LOT 9; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE WEST LINE OF LOT 9, NORTH 01°30'56" EAST, 82.93 FEET; THENCE LEAVING SAID WEST LINE, NORTH 89°06'37" WEST, 26.01 FEET; THENCE NORTH 00°58'48" EAST, 99.65 FEET TO A POINT LYING ON THE SOUTH LINE OF LOT 7; THENCE ALONG SAID SOUTH LINE, NORTH 88°13'33" WEST, 15.00 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF GLENSTONE AVENUE; THENCE LEAVING SAID SOUTH LINE AND ALONG SAID EAST RIGHT-OF-WAY, NORTH 01°15'39" EAST, 81.05 FEET TO A POINT LYING ON THE NORTH LINE OF LOT 7; THENCE LEAVING SAID EAST RIGHT-OF-WAY AND ALONG SAID NORTH LINE, SOUTH 86°39'33" EAST, 122.41 FEET TO THE NORTHEAST CORNER OF LOT 7; THENCE LEAVING SAID NORTH LINE AND ALONG THE EAST LINE OF LOT 7, SOUTH 01°33'27" WEST, 79.92 FEET TO THE NORTHEAST CORNER OF LOT 9; THENCE ALONG THE EAST LINE OF LOT 9 AND CONTINUING SOUTH 01°33'27" WEST, 157.30 FEET TO THE POINT OF BEGINNING. CONTAINING 0.599 ACRES, MORE OR LESS. ALL LYING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 29 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. CONDITIONS AND MONUMENTS ARE AS SHOWN ON ANDERSON ENGINEERING, INC. DRAWING NUMBER WB 110-506.

Exhibit B

RECORD OF PROCEEDINGS
ZONING CASE Z-11-2016 CONDITIONAL OVERLAY DISTRICT NO. 112

(The Record of Proceedings will be prepared for the City Council meeting)

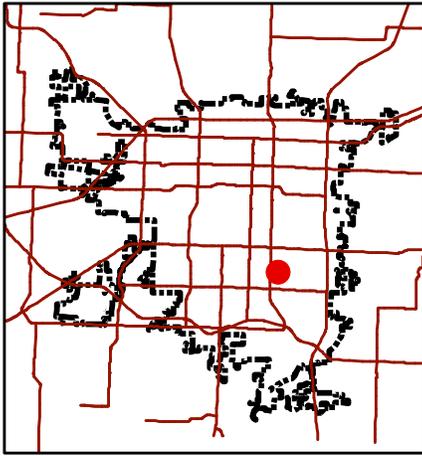
Development Review Staff Report

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

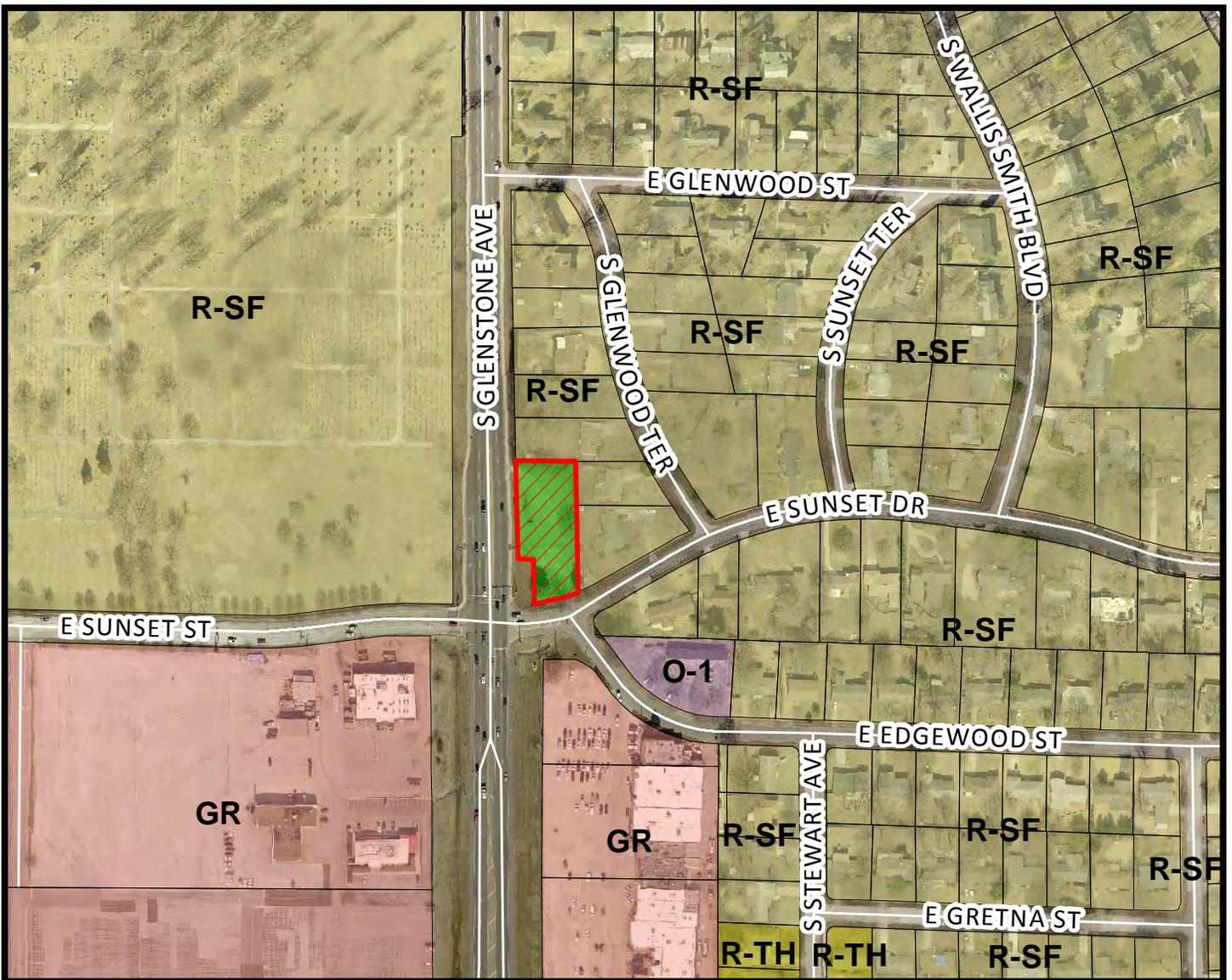
Z-11-2016 with Conditional Overlay District

No. 112

LOCATION: 1811 E. Sunset Drive
CURRENT ZONING: Planned Development 97
PROPOSED ZONING: LB, Limited Business District
with COD #112



LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-11-2016 CONDITIONAL OVERLAY DISTRICT NO. 112

PURPOSE: To rezone approximately 0.6 acre of property generally located at 1811 East Sunset Drive from a Planned Development No. 97 to a LB, Limited Business District and establishing Conditional Overlay District No. 112

DATE: August 19, 2016

LOCATION: 1811 E. Sunset Drive

APPLICANT: 1811 E. Sunset, LLC

TRACT SIZE: Approximately 0.6 acre

EXISTING USE: Vacant lot

PROPOSED USE: LB permitted uses

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located at the intersection of Glenstone Avenue, a primary arterial roadway, and Sunset Drive, a collector roadway. The addition of a retail sales use could potentially create traffic safety and congestion issues.
2. This request for LB, Limited Business zoning will allow for retail uses which could potentially intensify the use of this location, which may not be compatible with adjacent R-SF, Single-Family Residential zoning.
3. The proposed Conditional Overlay District will restrict some of the high traffic generators such as eating and drinking establishment uses; however, the applicant has retained the retail sales use group, excluding convenience stores with gas pumps and any other retail sales.
4. Staff does not support retail sales uses and thus the LB District at this location because of its access restraints, lot configuration and proximity to R-SF, but would support O-1, Office District which has comparable uses to the existing PD.

RECOMMENDATION:

Staff recommends **denial** of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-SF	Single-family residence
East	R-SF	Single-family residence
South	GR	Brentwood shopping center
West	R-SF	Springfield National Cemetery

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area along the Glenstone Avenue corridor as appropriate for medium-intensity retail, office and residential uses. The Office and Limited Business Districts are two of the zoning districts recommended in these areas. Since these land uses may have differing impacts on adjacent low-density housing and on traffic generation, the site planning guidelines of this plan and the regulations of the zoning ordinance must be observed during the site planning process.

STAFF COMMENTS:

1. This is a request to rezone the subject property from Planned Development No. 97 to a LB, Limited Business District and establish a new Conditional Overlay District No. 112. The accompanying Conditional Overlay District would prohibit many high traffic generating uses, such as convenience stores with gas pumps, retail sales uses with drive-in, pick up window and drive-thru facilities, banks and financial institutions with ATMs and drive-thru facilities, etc (Attachment 3).
2. The current Planned Development No. 97 only permits for administrative and professional offices, finance, insurance and real estate services and medical offices and medical support activities. It also requires any building to be a maximum of 5,000 square feet of gross floor area and to not exceed the height of a single story. Access, parking, setbacks and bufferyards were to be in substantial conformance to the Preliminary Development Plan; however, the plan was based off a driveway access onto Glenstone Avenue. Since no access to Glenstone Avenue is allowed, it is very difficult to bring a new site plan in substantial conformance to the Planned Development No. 97. Staff is supportive of rezoning this property; however, staff believes that the LB, Limited Business

District is too intense for this location. Staff has recommended the O-1, Office District as a better choice for this location.

3. This request for LB, Limited Business zoning will allow for retail uses which could potentially intensify the use of this location, which may not be compatible with adjacent R-SF, Single-Family Residential zoning. The retail sales use group lists many uses including, but not limited to, pawn shops, stores selling, leasing or renting consumer, home, and business goods, including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos; food sales,.
4. The Limited Business District is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood sales and service uses permitted in this district. This district is designed to accommodate compact, freestanding commercial centers or to function as a transition between more intense commercial uses and residential neighborhoods. Because the permitted retail and personal service uses may be an integral part of the neighborhood, more restrictive requirements for light, air, open space, building design and landscaping are made than are provided in other commercial districts. The district should be located along or at the intersections of collector or higher classification streets.
5. The subject property is located at the intersection of Glenstone Avenue, a primary arterial roadway, and Sunset Drive, a collector roadway. No driveway accesses will be allowed along the Glenstone frontage. The City's spacing standards require that driveways be at least 200 feet from the intersection of an arterial and a collector. The subject property only has about 80 feet of frontage along Sunset Drive. Any driveway access to this property will not meet the City's spacing standards. The driveway location will conflict with the Edgewood Street intersection across from Sunset Drive from the subject property point of access. Traffic from the residential areas to the east along Sunset Drive and Edgewood Street combined with commercial traffic from the Brentwood Shopping Center create safety and congestion concerns. The addition of a retail sales use could potentially create additional traffic safety and congestion within this area.
6. A traffic study was not warranted by Public Works Traffic Division since the rezoning from Planned Development No. 97 to LB on such a small lot will not generate a significant amount of additional traffic. Although the trip generation change with the rezoning did not significantly increase the number of vehicles per day or during the a.m. or p.m. peak to trigger a traffic study, the Traffic Department does have concerns with the driveway access on Sunset Drive and

its impact on the existing congestion on Sunset Drive at the intersection with Glenstone Avenue.

7. If the property is rezoned to the LB District, a bufferyard is required along the north and east property lines adjacent to the R-SF District. The normal bufferyard required between LB and R-SF zoning would be a Bufferyard "Type D" at least fifteen (15) 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 two (2) canopy tree, two (2) understory tree, two (2) evergreen trees and fourteen (14) shrubs. All structures shall remain below a thirty (30) degree bulk plane as measured from the boundaries of any R-SF district. A portion of this lot may qualify for a narrow or shallow lot exemption which would allow the bufferyard width to be reduced to as low as 5 feet with a fence. The current Planned Development No. 97 requires a Bufferyard "Type E" adjacent to the R-SF Districts which is 20 feet wide with landscaping and a fence.
8. 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 July 25, 2016. 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. Ten (10) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff has received no objections to date.

CITY COUNCIL MEETING:

September 19, 2016

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-11-2016 & CONDITIONAL OVERLAY DISTRICT NO. 112

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to the proposed rezoning.

CITY UTILITIES:

City Utilities has no objection to the proposed rezoning. All utilities are available.

CLEAN WATER SERVICES COMMENTS:

No objections to rezoning. Public sewer is currently available and there is adequate capacity for the proposed development.

MODOT COMMENTS:

This property has no access to Glenstone Avenue. The existing drive on Glenstone will have to be removed and replaced with curb and gutter and sidewalk. This work will be required to be done at night.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies Sunset Street as a Collector roadway and Glenstone Avenue as a Primary Arterial. The standard right of way width for Sunset Street is 60 feet and for Glenstone Avenue is 100 feet. Sunset is a City maintained street while Glenstone is State maintained. The most recent traffic count on Sunset Street is 5,720 vehicles per day and 30,029 on Glenstone Avenue. There is one existing driveway access point along Sunset and no existing access on Glenstone. There is not sidewalk along Sunset, but sidewalk does exist along Glenstone. The existing infrastructure meets current city standards. On-street parking is not allowed along the adjacent streets. There is not a greenway trail in the area. There is one bus stop along the property frontage on Glenstone Avenue. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There are not any proposed improvements along Sunset Street.

Although the trip generation change with the rezoning did not significantly increase the number of vehicles per day or during the a.m. or p.m. peak to trigger a traffic study, the Traffic Department does have the following concerns:

1. The existing congestion on Sunset Dr. at the intersection with Glenstone Ave.

- Minimum driveway access on a collector from a primary arterial is 200 feet. Due to the width of the lot and right-of-way available, driveway access on Sunset will only be 110 feet from the Glenstone intersection.

Public Works Traffic Division	Response
Street classification	Sunset - Collector; Glenstone - Primary Arterial
On-street parking along streets	No
Trip generation - existing use	480 average daily trips
Trip generation - proposed use	470 average daily trips
Existing street right of way widths	Sunset - 115 ft; Glenstone - 119 ft
Standard right of way widths	Sunset - 60 feet; Glenstone - 80 ft
Traffic study submitted	n/a
Proposed street improvements	n/a

STORMWATER COMMENTS:

The property is located in the Galloway Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of any flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention cannot be determined based on the information provided. Since the project will be disturbing less than one (1) acre there will not be a land disturbance permit required. There is a natural channel along Sunset Dr. available for this development to discharge into. There are no sinkholes on the proposed property.

Please note that development of the property will be subject to the following conditions at the time of development:

- Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
- 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.
- Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Which Drainage Basin is this located?	Galloway Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	Maybe depending on development

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

- 1. Request change to zoning from: PD-97 to LB
(existing zoning) (proposed zoning)
- 2. Meeting Date & Time: July 25, 2016 - 4:00 p.m. to 6:30 p.m.
- 3. Meeting Location: Springfield Fire Station - #12 Blackhawk Road
- 4. Number of invitations that were sent: 43 - 500 feet from property
- 5. How was the mailing list generated: Assessor records by Rick J. Muenks, Attorney
- 6. Number of neighbors in attendance (attach a sign-in sheet): 2

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

1. Did not find the modern design of building attractive, traffic congested at ~~Edge~~ redwood/sunset/Glenstone - cannot change traffic intersection.

2. wanted to make sure it was not a c-store

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

I, Rick J. Muenks (print name), attest that the neighborhood meeting was held on 7/25/2016 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Rick J. Muenks
Signature of person completing affidavit

Subscribed and sworn to
me 7/26/2016

Rick J. Muenks
Printed name of person completing affidavit

My Commission expires: 06/16/2018
SARA R. DAVIS

SARA R. DAVIS
Notary Public - Notary Seal
State of Missouri
Commissioned for Greene County
My Commission Expires: June 16, 2018
Commission Number: 14627988

ATTACHMENT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-11-2016 & CONDITIONAL OVERLAY DISTRICT NO. 112

The requirements of *Section 36-420. Limited Business District* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

1. Prohibits the following permitted uses:
 - a. Eating and drinking establishment use group, excluding drive-in, pick up window, or drive-thru facilities.

2. Prohibits the following Conditional uses:
 - a. Eating and drinking establishment use group, including drive-in, pick up window, or drive-thru facilities.
 - b. Funeral homes and mortuaries (crematoriums are permitted as accessory use).
 - c. General office use group, including banks and financial institutions with automatic teller machines and drive-thru facilities.
 - d. Public service and public utility uses.
 - e. Residential uses on the first floor frontage of a building.
 - f. Retail sales use group, including convenience stores with gas pumps.

One-rdg. _____
P. Hrngs. _____
Pgs. 22
Filed: 09-13-16

Sponsored by: Fulnecky

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 222

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 2.4 acres of property, generally located at 1606
3 East Blaine Avenue, from R-SF, Single-Family Residential District, to R-
4 LD, Low-Density Multi-Family Residential District with Conditional Overlay
5 District No. 110; and adopting an updated Official Zoning Map. (Staff and
6 Planning and Zoning Commission recommend approval).
7
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 described in "Exhibit A," generally located at 1606 East Blaine Avenue, from R-SF,
11 Single-Family Residential District, to R-LD, Low-Density Multi-Family Residential District
12 with Conditional Overlay District No. 110; and
13

14 WHEREAS, the proposed Conditional Overlay District No. 110 will limit the uses
15 on the property to allow a maximum density of eleven dwelling units per acre; and
16

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

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

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

28 Section 1 – That the property described in "Exhibit A" of this Ordinance be, and
29 the same hereby is, rezoned from R-SF, Single-Family Residential District, or such
30 zoning district as is designated on the Official Zoning Map adopted by the City Council,
31 to R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District
32 No. 110; that the requirements of Conditional Overlay District No. 110, said
33 requirements being attached to this Ordinance as "Attachment 3 of Exhibit C," which is

34 hereby incorporated by reference as if set out verbatim herein, shall apply to the subject
35 property, 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 City Council hereby directs the City Manager, or his designee, to
39 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
40 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
41 for in the Springfield Land Development Code, Section 36-306, Official Zoning Maps
42 and Rules of Interpretation.

43
44 Section 3 – The Official Zoning Map herein adopted shall be maintained and
45 archived in the same digital form in which this Council has approved its adoption.

46
47 Section 4 – This ordinance shall be in full force and effect from and after
48 passage.

49
50 Passed at meeting: _____

51
52 _____
53 Mayor

54
55 Attest: _____, City Clerk

56
57 Filed as Ordinance: _____

58
59 Approved as to form: *Richard J. Wieden*, Assistant City Attorney

60
61 Approved for Council action: *Greg Burt*, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 222

FILED: 09-13-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 2.4 acres of property generally located at 1606 East Blaine Avenue from an R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District; and establishing Conditional Overlay District No. 110; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-14-2016/CONDITIONAL OVERLAY DISTRICT NO. 110

The applicant is proposing to rezone the subject property from an R-SF, Single-Family Residential District to R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District No. 110. The proposed Conditional Overlay District will restrict the residential density to 11 dwelling units per acre or less, similar to a R-TH, District. A 15 feet wide landscaped buffer yard "Type B," is required adjacent to any R-SF and R-TH District property. No portion of a structure shall be higher than forty-five (45) degree bulk plane where the property adjoins any R-SF District. This is a one to one relationship, for every 1 foot of height there is an equal 1 foot required building setback.

The Growth Management and Land Use Plan of the Comprehensive Plan designate this area as appropriate for Low Density Housing uses. However, the plan recommends that each neighborhood should contain a range of housing types, densities and building configurations including single family detached, townhouses and apartments. This property is adjacent to the Center City (Evangel University) Activity Center. 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. The Major Thoroughfare Plan classifies Blaine Avenue as a residential local roadway.

REMARKS: The Planning and Zoning Commission held a public hearing on September 1, 2016, and recommended approved, 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 B").

The Planning and Development staff recommends the application be approved with the requirements of Conditional Overlay District No. 110 (see the attached Development Review Staff Report "Exhibit C.")

FINDINGS FOR STAFF RECOMMENDATION:

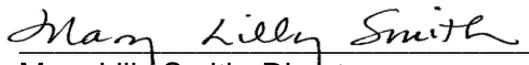
1. The Growth Management and Land Use Plan of the Comprehensive Plan identify this property as an appropriate area for Low Density Housing. This property is adjacent to the Center City (Evangel University) Activity Center. The Growth Management and Land Use Plan also encourage a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents.
2. This 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.
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.
4. The Major Thoroughfare Plan classifies Blaine Avenue between Glenstone and Weller as a local residential roadway.
5. The proposed conditional overlay district will lower the residential density similar to the adjacent R-TH, Residential Townhouse District to the west. 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:



Bob Hosmer, AICP Principal Planner

Reviewed by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

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

ATTACHMENTS:

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

Exhibit A

LEGAL DESCRIPTION
ZONING CASE Z-14-2016 & CONDITIONAL OVERLAY DISTRICT NO. 110

TRACT 26:

ALL OF BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION (7), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), THENCE SOUTH 36 RODS, THENCE EAST ONE HUNDRED SEVENTY-NINE AND SEVENTY-FIVE HUNDREDTHS (179.75) FEET, THENCE NORTH 36 RODS, THENCE WEST ONE HUNDRED SEVENTY-NINE AND SEVENTY-FIVE HUNDREDTHS (179.75) FEET TO THE PLACE OF BEGINNING, EXCEPT A STRIP OF LAND ONE (1) ROD WIDE OFF THE NORTH SIDE FOR ROADWAY, ALL IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. [COMMONLY KNOWN AS 1606 EAST BLAINE STEET] SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD, IF ANY.

Exhibit B

**RECORD OF PROCEEDINGS
Planning and Zoning Commission September 1, 2016**

Z-14-2016 w/COD #110
1606 East Blaine Street
Applicant: John Peterson

Mr. Hosmer stated that this is a request to rezone approximately 2.4 acres of property generally located at 1606 East Blaine Avenue from an R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District; and establishing Conditional Overlay District No. 110.

The Growth Management and Land Use Comprehensive Plan identify this property as an appropriate area for Low Density Housing. However, the plan recommends that each neighborhood should contain a range of housing types, densities and building configurations including single family detached, townhouses and apartments. The Major Thoroughfare Plan classifies Blaine Avenue between Glenstone and Weller as a local roadway. A traffic study was not warranted by Public Works Traffic Division since the rezoning from R-SF to R-LD with COD #110 will not generate a significant amount of additional traffic. 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 to the west. The R-TH and R-LD Districts both 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.

There is a strip of land owned by a separate property owner between 1606 East Blaine and Fairway Avenue. Access to Fairway Avenue will not be allowed without a dedication of right-of-way through this property. Driveway accesses from a stub street are not allowed unless a city standard turnaround is constructed, which will require additional right-of-way to be dedicated by the property at 1606 East Blaine and by the property owners to the east at 1624 East Blaine (church property). If Fairway Avenue is constructed through to Blaine Avenue then only the right-of-way will have to be dedicated from the property owners.

A landscaped bufferyard "Type B" at least 15 feet wide is required between any adjacent R-SF and R-TH District property. All structures shall remain below a forty-five (45) degree bulk plane as measured from the boundaries of any R-SF district. This is a one to one relationship, for every one foot of height there is an equal one foot required building setback. Buyout in lieu of on-site stormwater detention is not an option. There is an existing 8 inch sewer main along the east side of the property and has adequate dry weather capacity for the 24 unit proposed development however there are downstream overflow and backup issues. There have been wet weather flow overflows to the south of Division which cause backups along Fairway north of Division. Staff recommends approval limiting the maximum density for the subject property to eleven (11) dwelling units per acre.

Mr. Coltrin questioned the report (page 7, item number 2, RL-D) that the intent of all vehicular access from a collector or higher classified streets without traversing minor streets in adjoining residential neighborhood streets, but then the next paragraph talks about whether putting a cul-de-sac in and taking access or where they can extend to Fairway. Can they extend Fairway based on the zoning because it would not be a collector's street?

Mr. Hosmer noted that there is a collector street to the south (Division) and if access is allowed through Fairway this is classified as a local street. Staff believed that reducing the density similar to the R-TH with the COD that this not increase traffic significantly.

Mr. Doennig opened the public hearing.

Mr. John Peterson, 1611 N. Campbell, would like to rezone this property.

Mr. Chris Miller, 1605 N. Fairway, representing owners at 1626 and 1619 N. Fairway. Stated that there are 27 people on this street that are not in favor of this proposal. Concerns are traffic and people turning around at the dead-end as well as parking along side the road. He also mentioned about problems with rainwater and sewer and that several people south of his residence have water backing up in their basement as well as native wildlife, foxes, turkey's and a crowned yellow night heron nests yearly in the trees and the local ornithology people study it. He stated that he would feel that he would have to sell his house if the proposal moves forward.

Mr. Coltrin asked if he is opposed to the traffic coming through and if he wanted the access off of Blaine to the north.

Mr. Miller stated that it is one of the main concerns and if the access would come off of Blaine that it would be much better.

Mr. Doennig asked for clarification about extending Fairway and getting right-of-way (ROW) from two property owners in addition to the subject property of the zoning request.

Mr. Hosmer stated that it is correct and there is a one foot line of property extending from the north of 1625 and 1626 N. Fairway which blocks 1606 S. Blaine from getting access. There would have to purchase the right-of-way (ROW) for access as well as from the church property.

Mr. Doennig noted that at this present time the traffic from the town-homes would exit to Blaine Street and not be moving south on Fairway unless they can purchase additional right-of-way (ROW).

Ms. Cox asked if are they are only looking at the rezoning and asked if any preliminary plat or future development would come in front of the commission again.

Mr. Hosmer stated that this is a certified tract and they would not have to go forward to the commission unless platted, but if there are no streets or extensions than they would not go back to commission.

Mr. Neil Stenger, 1615 E. Primrose talked about the Fairway issue and stated that the plat called for the cul-de-sac to be built but it was not. At the time of being platted they reserved one foot of property at the end of the subdivision and the design was a technique to prevent development of adjacent properties. Mr. Peterson and I originally thought that another driveway to access the duplexes made sense coming from Fairway and the balance of the project to go to Blaine in order to split the traffic. To be clear, Mr. Peterson does not care about access on Fairway versus Blaine. If he does not get access on Fairway he will do the access to Blaine.

Ms. Betty Dickensheet, 1530 N. Fairway and stated that her house was built in 1942. Her concerns are that they are doing R-LD when the street over on Delaware and also Evangel Court are R-TH and does not agree with some of the options on R-LD for the area and wanted to know why it was done as R-LD.

Mr. Dennis Stewart, 1613 N. Fairway and stated that his concerns are the traffic, and water drainage, noting that Jordan Valley Creek is at the end of street as well as the integrity of the neighborhood. There is a lot of water drainage at the end of the street in the spring and fall which completely floods. It floods enough to push the man-holes up and it started when they did the development with the cul-de-sac on Delaware. When Mr. Peterson had the neighborhood meeting he stated that he wanted an entrance from Fairway and Blaine Street but has not seen the plans yet.

Ms. JoAnn Ash, 1625 N. Fairway stated that her concerns are her property values, traffic, sewer, and water run-off and not knowing what type of housing is being considered.

Ms. Linda Snider, 1619 N. Fairway stated that her concerns are water run-off, sewer, traffic, and wildlife. This is a nice, safe and quiet area. We have Weller Gardens that is behind the church that the neighborhood uses and what will happen to the neighborhood garden once the housing goes in.

Mr. Doennig closed the public hearing.

Mr. Doennig asked about the direction of the slope on the property and the buffer requirements on the south end of the property.

Mr. Hosmer noted that the slope is to the south and that there will be a 15' bufferyard with a 45 degree bulk plane on the south as well as along the church property.

Mr. Doennig asked stormwater if there is known flooding in this area.

Mr. Chris Dunnaway noted that they are aware of the problems and will be required to provide detention.

Mr. Coltrin asked stormwater if there is a drainage system and where will the discharge be located.

Mr. Dunnaway noted that the initial impression would be on Fairway and it would not have any increase of peak rate of run-off so it would not be any worse than it is today however the one foot section of land might a problem.

Ms. Cox asked if they would have to provide detention.

Mr. Dunnaway stated they would have to provide detention and required to retain the water quantity volume for 24 to 48 hours, noting that the discharge rate would have to remain the same as it is today and not increase stormwater problems in the area.

Mr. Doennig asked if the detention basin is to discharge onto the street, but noted the one foot of land that goes across the entire area.

Mr. Dunnaway noted that this is a common problem where there is no right-of-way (ROW), easement, or drainage channel for someone to discharge into. Public Works will allow that it to be spread it back out to what it is today or condemn the one foot area.

Mr. Doennig asked if they can mandate the flow over someone else's property.

Mr. Dunnaway stated that as long as it mimic's what it is today and that the stormwater already drains south over that one foot strip.

Mr. Shuler asked for any drawings of where any possible streets would be because the proposed property appears narrow.

Mr. Peterson brought up a current draft drawing of what he proposing.

Mr. Hosmer noted that they are not required to build a street with a R-LD because they put all the structures on one lot which is the difference between R-TH, which requires individual lots, and a street and R-LD, would not require a street.

Ms. Cox asked if they would only require one access and not necessarily from Fairway.

Mr. Hosmer stated that this is correct because it is under 35 units and the Fire Department does not require two access points.

Ms. Cox asked if there is a quantity requirement for stormwater.

Mr. Dunnaway stated that there is not a requirement for quantity, they would restrict the rate and suggested that it would be better if they got an easement to discharge to the street.

Ms. Cox stated that she understands the ramifications of taking an open plot of land that is within Springfield city limits, they are few and far between where you can take your pets and allow your children to run across a field, but is in the middle of Springfield and would expect this piece of land to develop.

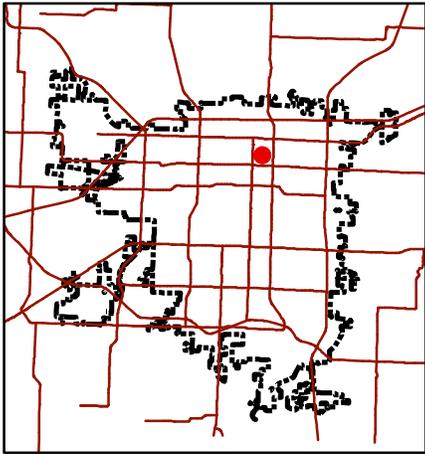
COMMISSION ACTION:

Mr. Coltrin motioned that we approve Z-14-2016 w/COD #110 (1606 East Blaine Street). Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

Bob Hosmer, AICP
Principal Planner

Development Review Staff Report

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



Z-14-2016 Conditional Overlay District #110

LOCATION: 1606 E BLAINE
CURRENT ZONING: R-SF Single Family Residential District
PROPOSED ZONING: R-LD Multi-Family Residential
Low Density with a COD # 110

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-14-2016 & CONDITIONAL OVERLAY DISTRICT NO. 110

PURPOSE: To rezone approximately 2.4 acres of property generally located at 1606 East Blaine Avenue from an R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District; and establishing Conditional Overlay District No. 110.

REPORT DATE: August 15, 2016

LOCATION: 1606 East Blaine Avenue

APPLICANT: John Peterson

TRACT SIZE: Approximately 2.4 acres

EXISTING USES: One existing single-family residence and vacant land

PROPOSED USES: Multi-family apartments restricting property to the same density as the R-TH property to the west, 11 dwelling units per acre and retain the existing single-family residential dwelling.

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this property as an appropriate area for Low Density Housing. However, the plan recommends that each neighborhood should contain a range of housing types, densities and building configurations including single family detached, townhouses and apartments. The requested R-LD, Low-Density Multi-Family Residential zoning is consistent with this recommendation to limit the density. This property is adjacent to the Center City (Evangel University) Activity Center. 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.
4. The Major Thoroughfare Plan classifies Blaine Avenue between Glenstone and Weller as a local roadway.

5. The proposed conditional overlay district will lower the residential density similar to the R-TH, Residential Townhouse District to the west. The R-TH District density is 11 dwelling units per acre which could equate to approximately 26 dwelling units on 2.4 acres of property. The R-SF District which allows 7 dwelling units per acre would allow a total of 17 dwelling units for 2.4 acres. The development requirements in the R-LD District are adequate for mitigating any other potential impacts of the proposed development on the adjoining properties.
6. The standard development requirements in the R-LD District are adequate for mitigating potential impacts of the multi-family uses on the adjoining single-family residential properties. The standard requirements for noise, lighting, odor and signage will be covered by the Zoning Ordinance.

RECOMMENDATION:

Staff recommends **approval** of this request

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-SF	Single-family residence
East	R-SF	Single-family residence
South	R-SF	Single-family residence
West	R-TH	Duplex and single-family residence

COMPREHENSIVE PLAN:

1. The Growth Management and Land Use Plan of the Comprehensive Plan designates this area as appropriate for Low Density Housing uses. The plan recommends single family in this category. The subject property is adjacent to the Center City (Evangel University) Activity Center. 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. The Major Thoroughfare Plan classifies Blaine Avenue between Glenstone Avenue and Weller Street as a local roadway.

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. 110. The proposed Conditional

Overlay District (Attachment 3) will restrict the residential density to 11 dwelling units per acre or less. The applicant intends to leave the existing single-family home on the property and develop the southern portion of the property for 22 multi-family apartments.

2. The R-LD District is intended to accommodate multi-family developments at densities up to 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 to the west. 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. A traffic study was not warranted by Public Works Traffic Division since the rezoning from R-SF to R-LD with COD #110 on such small lots will not generate a significant amount of additional traffic. The Major Thoroughfare Plan classifies Blaine Avenue between Glenstone and Weller as a local roadway. There appears to be a strip of land owned by a separate property owner between 1606 East Blaine and Fairway Avenue. Access to Fairway Avenue will not be allowed without a dedication of right of way through this property. Driveway accesses from a stub street are not allowed unless a city standard turnaround is constructed, which will require additional right of way to be dedicated by the property at 1606 East Blaine and by the property owners to the east at 1624 East Blaine (church property). If Fairway Avenue is constructed through to Blaine Avenue then only the right of way will have to be dedicated from the property owners.
4. A landscaped bufferyard "Type B" at least 15 feet wide is required between any adjacent R-SF and R-TH District property. A bufferyard "Type B" requires for each one-hundred (100) linear feet of bufferyard, there must be one (1) canopy tree, one (1) understory tree, one (1) evergreen tree and six (6) shrubs.
5. All structures shall remain below a forty-five (45) degree bulk plane as measured from the boundaries of any R-SF district. This is a one to one relationship, for every 1 foot of height there is an equal 1 foot required building setback. 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 such as noise, lighting, odor and signage will be covered by the Zoning Ordinance.

6. 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 August 3, 2016. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant or their representative 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-nine (39) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff has received 4 calls and emails from one property owner inquiring about this project.

CITY COUNCIL MEETING:

September 19, 2016

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Principal Planner
864-1834

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-14-2016 & CONDITIONAL OVERLAY DISTRICT NO. 110

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. The City's Transportation Plan classifies Blaine Street as a local residential roadway. The standard right of way width for Blaine Street is 50 feet. This is a City maintained street. The city does not have a recent traffic count on Blaine Street as it is classified as a local street. There is one existing driveway access point along the property frontage. There is existing sidewalk along Blaine Street. On-street parking is allowed along the adjacent streets. There is not a greenway trail in the area. There are no bus stops along this portion of Blaine Street. The proposed development is in an area that provides for limited direct street connections and does not provide for good connectivity in the area. North South intersecting streets within the area exceeds the block length of 1,320 feet between Glenstone and Weller Ave (1,900 feet). There are not any proposed improvements along Blaine Street. City GIS shows a strip of land owned by a separate property owner between 1606 East Blaine and Fairway Avenue. Access to Fairway Avenue will not be allowed without a dedication of right of way through this property. Driveway accesses from a stub street are not allowed unless a city standard turnaround is constructed, which will require additional right of way to be dedicated by the property at 1606 East Blaine and by the property owners to the east at 1624 East Blaine (church property). If Fairway Avenue is constructed through to Blaine Avenue then only the right of way will have to be dedicated from the property owners.

Public Works Traffic Division	Response
Street classification	Local Residential
On-street parking along streets	Yes
Trip generation - existing use	48 average daily trips
Trip generation - proposed use	120 average daily trips
Existing street right of way widths	50 feet
Standard right of way widths	50 feet
Traffic study submitted	Not required
Proposed street improvements	Not required

STORMWATER COMMENTS:

The property is located in the North Jordan Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention is not an option. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required. There is not an existing stormwater system available for this development to discharge into. There are no sinkholes on the proposed property. Please note that development of the property will be

subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. 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.
3. Based upon City data, there is a significant amount of offsite concentrated stormwater crossing the subject property. Although stormwater detention and water quality do not have to be provided for these flows, public improvement plans will be required to convey these flows across the subject property. Drainage easements must be provided for this conveyance.
4. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	North Jordan Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	No

CLEAN WATER SERVICES COMMENTS:

No objections to the rezoning however we have the following comments;

1. The existing 8 inch main along the east side of the property has adequate dry weather capacity for the 24 unit proposed development however there are downstream overflow and backup issues. There have been wet weather flow overflows to the south of Division which cause backups along Fairway north of Division. We do not have any records of backflow occurring north of Fairway, however backflow preventers are being installed along Fairway and might be recommended for this development.
2. There are multiple 4 inch tees available along the main. If a bigger lateral is required for the proposed development, the main will have to be tapped. If an 8 inch lateral is required, it will have to connect to a manhole. All new laterals will require cleanouts and tracer wire within the sewer easement. All new connections will have to be inspected and be done according to city standards.
3. Any further comments will require a site plan and proposed flows rates for the development.

CITY UTILITIES:

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

FIRE DEPARTMENT COMMENTS:

1. Fire has no issues with rezoning.

ATTACHMENT 2

Summary of rezoning meeting

On August 3rd from 4:00pm to 6:30pm a public neighborhood meeting was held concerning the rezoning of the property at 1606 E. Blaine St. in Springfield Mo. 65803. Ten people were in attendance at the meeting which took the format of a presentation and open house. At the meeting the following were the discussion topics of those in attendance.

Question: Will the street in the development be a through street from Fairway to Blaine?

Answer: There are no plans to build a through st.

Question: The sanitary sewer and storm sewers on Fairway are at capacity and back up into residents basements and homes on different occasions. Are re there any plan to improve this by the city?

Answer: For any plans of the sewer and sanitary system you will need to contact the City of Springfield.

Question: Our area has experienced a rise in crime Do you think there will be a rise after the development goes in?

Answer: I don't anticipate there will be a rise in crime and the criteria to live in the development should help not to have crime. That would be a number of references, criminal background checks, credit checks and only name or names on the lease can reside at the residence.

Question: Would you consider putting up a privacy fence around the entire development to create a barrier between the Fairway residents?

Answer: If the city thinks it is a good idea for a fence on the southside of development there will be one.

Thanks, John Peterson

Sign up sheet for neighborhood meeting
Rezoning 1606 E Blaine St.

Print NAME ^{doc} @ceoradio.net

- 1 Mark Maynard (Weller Assoc) →
- 2 Betty Dickensheet Fairway Ave
- 3 Eric Kirklin Fairway PVE
- 4 William J. Spurrard Kentwood Ave
- 5 DENNIS STEWART 1613 N FAIRWAY (417) 880-3047
- 6 Chris Miller 1605 N. FAIRWAY Ave ←
- 7 Ben & Fay Ely 1650 E. COMMERCIAL ST. 65803
- 8 Cynthia Baldwin 1524 ~~St.~~ Fairway 65803
- 9 Donna Belcher 1524 N Fairway 65803
- 10 Jerany Jackson 3145 S. Arcadia 65804
- 11
- 12
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- 18
- 19
- 20

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-BF to R-LD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 397 E Central St 5-6:30 pm
3. Meeting Location: LIBRARY, E CENTRAL, Springfield, Mo
4. Number of invitations that were sent: _____
5. How was the mailing list generated: by City staff
6. Number of neighbors in attendance (attach a sign-in sheet): 10
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

I, John Peterson (print name), attest that the neighborhood meeting was held on 8/9/16 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

John Peterson
Signature of person completing affidavit

John Peterson
Printed name of person completing affidavit

John Peterson
1606 E. Blaine Street
Springfield, MO 65803

Re: Neighborhood Rezoning Meeting August 3, 2016

Dear Neighbor:

John Peterson is requesting the rezoning of the property located at 1606 E. Blaine Street. Mr. Peterson is requesting a change from the current zoning of R-1 (Residential Single Family) to R-LD (Residential Low Density). You are invited to attend the Neighborhood Rezoning Meeting on August 3, 2016 from 4:00 pm to 6:30 pm at the Midtown Carnegie Branch Library located at 397 East Central Street in Springfield, Mo 65803 for more information.

Sincerely,



John Peterson

From: bsdickens@mchsi.com
To: Zoning@springfieldmo.gov
Subject: rezoning of 1606 E. Blaine St
Date: Tuesday, August 02, 2016 5:53:48 PM

Dear Mr. Hosmer,

I have lived at 1530 N. Fairway Ave. since 1991. Of the 20 houses on our two block long dead-end street, only 3 are rentals and 2 of those houses have been rented to the same family for 5-6 years. This is an owner occupied area.

When Weller Neighborhood Association was established by the City of Springfield (with help from Caring Communities), the city advised us and assisted us with zoning this neighborhood single family residential. This was to establish a sense of community.

Was the current owner of the property aware of the single family classification when the property was purchased? What is he planning to build?
What has been built on the current RLD properties in the city and are they in the middle of single family properties?

I drove down Blaine St. from National Ave. to Weller Ave. There are nine vacant lots in this area. There are also 3 new houses being built at the corner of Weller and Commercial and it looked like a vacant set of duplexes east of those new houses. This seems to be a lot of opportunity for housing without disturbing the single family residential zoning area.

The townhouse district on Evangel Ct is patrolled by Evangel University personnel. Delaware Ave. has duplexes (and a vacant lot) at the end of their dead-street, but I know people that have owned houses on that street for a long time, too.

I looked at the city crime maps and it looks like this neighborhood of single family residential has less crime than most areas of the city.

At this time also, our area is having problems with overload of the sanitary sewer/storm sewer on our street. Until the problem has been found by the city and it is corrected, additional building will only make it worse.

After looking at the permitted uses and structures for the RLD district, I do not think it would be a good fit in the middle of this single family area.

Thank you for your time. I look forward to talking with you tomorrow.

Sincerely,

Betty Dickensheet
1530 N. Fairway Ave.
417-827-1552

ATTACHMENT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-14-2016 & CONDITIONAL OVERLAY DISTRICT NO. 110

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 property is eleven (11) dwelling units per acre.

One-rdg. _____
P. Hrngs. _____
Pgs. 39
Filed: 08-30-16

Sponsored by: Stephens

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 210

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an amended
2 Contract of Obligation with the Missouri Department of Natural
3 Resources whereby the City agrees to financially secure the future
4 closure and post-closure care of all currently active and previously
5 completed portions of the City's Sanitary Landfill by adding
6 \$178,304 to its existing Contract of Obligation to account for
7 inflation.
8
9 _____

10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
11 MISSOURI, as follows:

12
13 Section 1 – The City Manager, or his designee, is hereby authorized to enter
14 into an amended Contract of Obligation with the Missouri Department of Natural
15 Resources (MDNR), by executing an amended agreement substantially similar in form
16 and content to "Exhibit A" attached hereto.

17
18 Section 2 – This ordinance shall be in full force and effect from and after
19 passage.

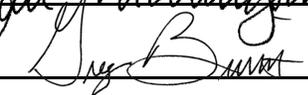
20
21 Passed at meeting: _____

22
23 _____
24 Mayor

25
26 Attest: _____, City Clerk

27
28
29 Filed as Ordinance: _____

30 Approved as to form: , Assistant City Attorney

31
32 Approved for Council action: , City Manager
33

EXPLANATION TO COUNCIL BILL NO: 2016-210

FILED: 08-30-16

ORIGINATING DEPARTMENT: Environmental Services

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

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

On September 28, 2015, the City Council adopted Special Ordinance No. 26634 authorizing the City Manager to enter into an amended Contract of Obligation in the amount of \$12,319,601 to secure the future closure and post-closure care of all currently approved disposal areas of the Sanitary Landfill. The City's Contract of Obligation is secured by a pledge of future city sales tax reserves, if necessary, for this purpose.

For the current year, the Solid Waste Management Division (SWMD) proposes to amend the existing Contract of Obligation by adding \$178,304 to account for the effects of inflation to the end of the second quarter 2016, and for additional minor changes to the City's previously approved engineering cost estimates and FAI/CO.

REMARKS: As presented in the attached letter report, "Exhibit B" from SCS ENGINEERS dated August 4, 2016, the net effect of this proposed amendment will be to increase the City's current liability for landfill closure and post-closure care by \$178,304 to \$12,497,905. These cost estimates have been reviewed and accepted by the staff of the SWMD and the Finance Department. This amended and executed Contract of Obligation is due to be submitted to MDNR by September 28, 2016.

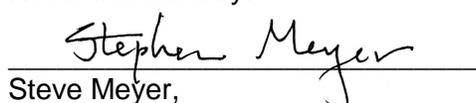
This ordinance supports the following Field Guide 2030 goal(s): Chapter 8, Natural Environment; Major Goal 9, Reduce solid waste and improve recycling within our community.

Submitted by:



Errin Kemper,
Asst. Director of Environmental Services

Recommended by:



Steve Meyer,
Director of Environmental Services

Approved by:



Greg Burris,
City Manager

Exhibit A

CONTRACT OF OBLIGATION

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

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

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

NOW THEREFORE, in consideration of the issuance of Permit No. 107703 by MoDNR to the City for the operation of a solid waste disposal area and in consideration of the mutual covenants contained herein, MoDNR and the City hereby agree as follows:

1. The City is hereby bound unto MoDNR in the sum of \$12,497,905 and hereby authorizes the Director of MoDNR, or designee, to collect said sum from any funds being disbursed or to be disbursed by the state of Missouri to the City, upon failure of the City to close and/or provide post-closure care for the solid waste disposal area in accordance with the requirements of the Law, and the approved closure and or post-closure plans.
2. Should MoDNR find that the City has failed to properly close and/or provide post closure care for the solid waste disposal area, MoDNR shall notify the City of such finding and pursuant to 260.235, RSMo, shall afford the opportunity for administrative and judicial review of such findings.
3. The City hereby authorizes the Director of the Department of Revenue and the State Treasurer to withhold from any funds being disbursed or to be disbursed by the state of Missouri to the City, the sum of \$12,497,905 upon receiving notice from the Director of MoDNR of the City’s failure to properly close and/or provide post closure care for the solid waste disposal area.
4. This contract shall terminate upon written notice from MoDNR that the City is released from the requirements for a Financial Assurance Instrument for closure and/or post-closure care, as required by the Law.
5. If the City desires to terminate this contract prior to completing proper closure and/or post-closure for the solid waste disposal area it must:
 - (a) Send a notice of termination in writing, addressed and delivered to the MoDNR, 120 days before the termination will occur; and

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

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

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

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

CITY OF SPRINGFIELD, MISSOURI

MISSOURI DEPARTMENT OF
NATURAL RESOURCES

BY: _____
City Manager or his/her designee

BY: _____
Director

DATE: _____

DATE: _____

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

Director of Finance or Acting Director

APPROVED AS TO FORM

City Attorney or Assistant City Attorney

August 4, 2016
File No. 27213331.21

Mr. Erick Roberts
City of Springfield
Solid Waste Division
P.O. Box 8368
Springfield, Missouri 65801

Re: City of Springfield Sanitary Landfill
2016 Closure and Post-Closure Cost Estimate Calculation Update Summary

Dear Mr. Roberts:

This letter provides the revised closure and post-closure cost estimates updated for use in funding the City's financial assurance instrument (FAI) for the Springfield Landfill as required by the Missouri Solid Waste Regulations. In this letter you will find revised Closure and Post-Closure Cost Worksheets for the entire landfill and each individual constructed landfill unit and other supporting documentation for the revised costs. The costs were updated to adjust for inflation since the previous update dated August 11, 2015.

To adjust for inflation, the most recently published Implicit Price Deflator (IPD) for the Gross Domestic Product as determined by the U.S. Department of Commerce was used as required by the Missouri Solid Waste Regulations. The most recently published IPD is for the second quarter of 2016 (IPD = 111.237). The IPD for the first quarter 2004 base year for the inflation calculations was 88.108. A copy of the IPD table is included as an attachment to this letter. The revised cost estimates are as follows.

Closure & Post-Closure Cost Estimate – Entire Constructed Landfill

Closure Cost Estimate (Noble Hill/Cell 1, North Ravine, Compound Area, South Ravine Phase 1, Cell 2 Phase 1)	\$ 8,229,286
Post-Closure Cost Estimate	<u>\$ 4,268,619</u>
Total Closure/Post-Closure Cost Estimate (2nd Quarter 2016)	\$12,497,905

Closure & Post-Closure Cost Estimate – Noble Hill / Cell 1

Closure Cost Estimate	\$ 5,913,405
Post-Closure Cost Estimate	<u>\$ 3,610,303</u>
Total Closure/Post-Closure Cost Estimate (2nd Quarter 2016)	\$ 9,523,708

Closure & Post-Closure Cost Estimate – North Ravine Cell

Closure Cost Estimate	\$ 483,768
Post-Closure Cost Estimate	<u>\$ 145,304</u>
Total Closure/Post-Closure Cost Estimate (2nd Quarter 2016)	\$ 629,072

Closure & Post-Closure Cost Estimate – Compound Area Cell

Closure Cost Estimate	\$ 434,404
Post-Closure Cost Estimate	<u>\$ 130,477</u>
Total Closure/Post-Closure Cost Estimate (2nd Quarter 2016)	\$ 564,881

Closure & Post-Closure Cost Estimate – South Ravine Phase 1

Closure Cost Estimate	\$ 679,103
Post-Closure Cost Estimate	<u>\$ 180,889</u>
Total Closure/Post-Closure Cost Estimate (2nd Quarter 2016)	\$ 859,992

Closure & Post-Closure Cost Estimate – Cell 2 Phase 1

Closure Cost Estimate	\$ 718,606
Post-Closure Cost Estimate	<u>\$ 201,646</u>
Total Closure/Post-Closure Cost Estimate (2nd Quarter 2016)	\$ 920,252

Based on the above information, the City's FAI should be adjusted to reflect the revised closure and post-closure cost estimate total. The August 2015 approved cost estimate was \$12,319,601; therefore, the new FAI total must be increased by \$178,304 to \$12,497,905. Copies of the MDNR closure and post-closure cost estimate worksheets for the entire landfill and each individual unit are attached along with a spreadsheet summary of the inflation calculations.

A table depicting the incremental closure and post-closure cost estimates and the remaining waste volume for each constructed landfill cell is also attached to this letter. The remaining waste volume for each cell as of July 8, 2016 is based on volumetric calculations prepared by SCS Engineers. These volumetric calculations were performed utilizing quarterly survey data obtained from the active constructed landfill areas and the facility permit drawings.

SCS Engineers appreciates the opportunity to continue providing solid waste engineering services for the City. Should you have any questions or would like more information, please do not hesitate to call us at (913) 681-0030.

Sincerely,



Nathan Hamm, P.E.
Vice President
SCS ENGINEERS



Doug Doerr, P.E.
Senior Vice President
SCS ENGINEERS

nah/dld

cc: Doug Durrington

Attachments – CPC Summary Table and Inflation Calculations
CPC Cost Estimate Worksheets
Implicit Price Deflator Table
Soil Usage Estimate Calculations

Incremental Closure and Post-Closure Cost Estimate Summary Table



Incremental Closure/Post-Closure Cost Estimate Summary
August 2016 Update
City of Springfield Sanitary Landfill

Phase	Landfill Development Area (ac)	Remaining Waste Volume (CY)	Waste Capacity (tons)	Closure Cost	Post-Closure Cost	Total Closure and Post-Closure Costs
Noble Hill/Cell 1	119.8	34,427	20,656	\$5,913,405	\$3,610,303	\$9,523,708
North Ravine	4.9	34,428	20,657	\$483,768	\$145,304	\$629,072
Compound Area	4.4	136,758	82,055	\$434,404	\$130,477	\$564,881
South Ravine Phase 1	6.1	0	0	\$679,103	\$180,889	\$859,992
Cell 2 Phase 1	6.8	974,100	584,460	\$718,606	\$201,646	\$920,252
South Ravine Phase 2	7.0					
South Ravine Phase 3	8.0					
Cell 2 Phase 2	14.0					
Totals	171.0	1,179,713	707,828	\$8,229,286	\$4,268,619	\$12,497,905

Notes:

1. Landfill development area reflects area of bottom liner constructed or to be constructed. South Ravine northern boundary based on October 2000 MDNR approved permit drawings.
2. Remaining waste volume for Noble Hill/Cell 1, North Ravine, Compound Cell, South Ravine Phase 1, and Cell 2 Phase 1 based on 2nd quarter 2016 volume calculations by SCS Engineers (through July 8, 2016).
3. Remaining waste capacity in tons based on 1,200 lb/cy waste density.
4. Closure and post-closure costs are based on the MDNR worksheets MO 780-1882 (4-04).
5. Inseparable post-closure costs allocated to phases based on percentage of total constructed area.
6. Costs are in 2nd quarter 2016 dollars.

**Closure and Post-Closure Cost Estimates
City of Springfield Sanitary Landfill
August 2016**

1st quarter 2004 Implicit Price Deflator (IPD)	88.108
2nd quarter 2016 IPD	111.237
Inflation Factor (2016 IPD/2004 IPD)	1.2625

Entire Landfill	
2016 Closure Cost (in 2004\$)	\$6,518,209
2016 Post Closure Cost (in 2004\$)	\$3,381,064
2016 Total Closure/Post-Closure Costs (in 2004\$)	<u>\$9,899,273</u>
2016 Closure Cost (in 2nd qtr 2016\$)	\$8,229,286
2016 Post Closure Cost (in 2nd qtr 2016\$)	\$4,268,619
2016 Total Closure/Post-Closure Costs (in 2nd qtr 2016\$)	\$12,497,905

Noble Hill / Cell 1	
2016 Closure Cost (in 2004\$)	\$4,683,858
2016 Post Closure Cost (in 2004\$)	\$2,859,629
2016 Total Closure/Post-Closure Costs (in 2004\$)	<u>\$7,543,487</u>
2016 Closure Cost (in 2nd qtr 2016\$)	\$5,913,405
2016 Post Closure Cost (in 2nd qtr 2016\$)	\$3,610,303
2016 Total Closure/Post-Closure Costs (in 2nd qtr 2016\$)	\$9,523,708

North Ravine Cell	
2016 Closure Cost (in 2004\$)	\$383,180
2016 Post Closure Cost (in 2004\$)	\$115,092
2016 Total Closure/Post-Closure Costs (in 2004\$)	<u>\$498,272</u>
2016 Closure Cost (in 2nd qtr 2016\$)	\$483,768
2016 Post Closure Cost (in 2nd qtr 2016\$)	\$145,304
2016 Total Closure/Post-Closure Costs (in 2nd qtr 2016\$)	\$629,072

Compound Area Cell	
2016 Closure Cost (in 2004\$)	\$344,080
2016 Post Closure Cost (in 2004\$)	\$103,348
2016 Total Closure/Post-Closure Costs (in 2004\$)	<u>\$447,428</u>
2016 Closure Cost (in 2nd qtr 2016\$)	\$434,404
2016 Post Closure Cost (in 2nd qtr 2016\$)	\$130,477
2016 Total Closure/Post-Closure Costs (in 2nd qtr 2016\$)	\$564,881

South Ravine Phase I	
2016 Closure Cost (in 2004\$)	\$537,901
2016 Post Closure Cost (in 2004\$)	\$143,277
2016 Total Closure/Post-Closure Costs (in 2004\$)	<u>\$681,178</u>
2016 Closure Cost (in 2nd qtr 2016\$)	\$679,103
2016 Post Closure Cost (in 2nd qtr 2016\$)	\$180,889
2016 Total Closure/Post-Closure Costs (in 2nd qtr 2016\$)	\$859,992

Cell 2 Phase I	
2016 Closure Cost (in 2004\$)	\$569,190
2016 Post Closure Cost (in 2004\$)	\$159,719
2016 Total Closure/Post-Closure Costs (in 2004\$)	<u>\$728,909</u>
2016 Closure Cost (in 2nd qtr 2016\$)	\$718,606
2016 Post Closure Cost (in 2nd qtr 2016\$)	\$201,646
2016 Total Closure/Post-Closure Costs (in 2nd qtr 2016\$)	\$920,252

Closure and Post-Closure Cost Estimate Worksheets



Entire Landfill Closure and Post-Closure Cost Worksheets





MISSOURI DEPARTMENT OF NATURAL RESOURCES
 SOLID WASTE MANAGEMENT PROGRAM
CLOSURE AND POST-CLOSURE COST WORKSHEET

This worksheet is only required for those facilities that accept waste after Jan. 1, 2004. Others may use the worksheet if they choose.

DATE	NAME OF FACILITY	PERMIT NUMBER
------	------------------	---------------

Total permitted acreage (including undeveloped areas)		Total acreage with waste in place (including officially closed areas)		Total acreage with official closure approval	
SUBTITLE D	NON-SUBTITLE D	SUBTITLE D	NON-SUBTITLE D	SUBTITLE D	NON-SUBTITLE D

1. HOW MANY ACRES IS THIS FINANCIAL ASSURANCE INSTRUMENT (FAI) INTENDED FOR?
 _____ acres for closure _____ acres for post-closure

2. DESCRIPTION OF AREA (CELL NUMBER, ETC.)

3. WHAT IS THE APPROVED FINAL COVER SYSTEM DESIGN?
 Subtitle D: one foot of compacted clay overlain with a geomembrane, a drainage layer and two feet of vegetative soil.
 Standard soil cover: two feet of compacted clay overlain with one foot of vegetative soil.
 (If your facility has both subtitle D and non-subtitle D areas, separate worksheets are advisable for these areas to avoid confusion.)

4. HAS AN EASEMENT BEEN GRANTED TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES FOR ACCESS TO AND USE OF THE BORROW MATERIAL FOR CAP CONSTRUCTION?
 YES NO

5. WHAT IS THE AVERAGE ROUND-TRIP DISTANCE FROM THE LANDFILL (OR PHASE) TO THE BORROW AREA? ROUND TRIP DISTANCE SHOULD BE TO THE NEAREST 1/2 MILE IF LESS THAN FIVE MILES. IF MORE THAN FIVE MILES, ROUND TRIP DISTANCE SHOULD BE TO THE NEAREST MILE. IF THE DEPARTMENT DOES NOT HAVE AN EASEMENT TO THE BORROW AREA, THE ROUND TRIP HAUL DISTANCE IS ASSUMED TO BE 10 MILES.
 _____ miles

6. WHAT IS THE APPROXIMATE VOLUME OF SOIL REMAINING IN THE BORROW AREA?
 _____ clay (cubic yards) _____ vegetative soil (cubic yards)

7. WHAT IS THE APPROVED GAS CONTROL SYSTEM DESIGN?
 Active extraction system Passive venting system No gas control system

If you have an active extraction system, check the appropriate box
 a. Required to control gas migration c. Required by other agency (city, county, etc.)
 b. Required under NSPS d. Specified only by design engineer

If you check box "d", is any part of the active gas system constructed at this time?
 Yes No If yes, please provide a general description of the portion(s) of the system that have been installed.

Note: Owners of Subtitle D facilities must provide a closure financial assurance instrument for either an active extraction system or a passive venting system. You must provide a closure FAI for an active system only when you are: 1) Required to install the system by MoDNR to control off-site gas migration, or 2) Required to install the system under the Federal New Source Performance Standards (NSPS), or 3) Required to install the system by another regulatory agency (city, county, etc.)

If you own a Subtitle D facility and meet any of the conditions, complete Form A. If you own a Subtitle D facility and do not meet any of these conditions, you are only required to provide a closure FAI for a passive venting system. Complete Form B. If you own a non-Subtitle D facility (with a soil cap), you are not required to provide a closure FAI for a gas control system at all unless you also meet at least one of the above conditions. If you have installed any portion of an active gas control system, you must provide post-closure maintenance funds for the portion of the system that has been constructed. Do this by checking the appropriate box on the post-closure cost worksheet and adding that amount to the total.

8. HOW MANY GROUNDWATER MONITORING WELLS DO YOU HAVE?

_____ wells

9. LIST THE PRIMARY AND SECONDARY WASTEWATER TREATMENT PLANTS USED FOR LEACHATE DISPOSAL, AND THE COST OF DISPOSAL.

_____ (Primary plant) \$ _____ per gallon _____ (Secondary plant) \$ _____ per gallon

Check if the facility discharges directly to a wastewater treatment plant.

10. WHAT IS THE ESTIMATED POST-CLOSURE LEACHATE GENERATION RATE AND HOW WAS IT DERIVED?

_____ (gal/acre/day) HELP model Other (explain)

CLOSURE COSTS

FINAL COVER SYSTEM

Subtitle D (composite cover) _____ acres x \$ $\frac{\text{_____}}{\text{(FROM TABLE 1)}}$ per acre = \$ _____

Non-Subtitle D (soil cover) _____ acres x \$ $\frac{\text{_____}}{\text{(FROM TABLE 1)}}$ per acre = \$ _____

GAS CONTROL SYSTEM

Active extraction system (Complete Form A and write the amount in the right column). \$ _____

Passive gas venting system (Complete Form B and write the amount in the right column). \$ _____

Note: Owners are not required to provide an FAI for an **active** gas system unless required to install the system for one of the reasons listed under section 7 of this worksheet. However, owners of Subtitle D landfills are required to provide an FAI for a **passive** gas system if they do not provide one for an active system.

OTHER CRITICAL DESIGN FEATURES

Include total cost for construction of other critical design features. Attach separate sheet(s) for cost calculations. \$ _____

TOTAL CLOSURE COST (sum of all lines) \$ _____

POST-CLOSURE COSTS

INSEPARABLE ANNUAL COSTS

Annual landfill inspection and reporting		\$	1,000
Gas monitoring and reporting		\$	4,450
Annual groundwater sampling and analysis cost	_____ wells x \$2,000 =	\$	_____
Annual groundwater monitoring system maintenance and statistics cost.		\$	13,700
<input type="checkbox"/> Leachate system maintenance (Check if applicable and write this amount in space provided)	\$3,100	\$	_____
<input type="checkbox"/> Leachate testing (Check if applicable and write this amount in space provided)	\$2,250	\$	_____
<input type="checkbox"/> Active gas extraction system maintenance and utilities (Check if applicable and write this amount in space provided)	\$17,600	\$	_____
<input type="checkbox"/> Passive gas system maintenance (Check if applicable and write this amount in space provided)	\$1,600	\$	_____

SEPARABLE ANNUAL COSTS

Cap repair and maintenance	_____ acres x _____ <small>(FROM TABLE 1)</small>	=	\$ _____
<input type="checkbox"/> Leachate treatment (check if applicable)	_____ acres x _____ <small>(GAL/ACRE/YEAR)</small>	x _____ <small>(COST PER GAL)</small>	= \$ _____
<input type="checkbox"/> Leachate hauling (check if applicable)	_____ acres x _____ <small>(GAL/ACRE/YEAR)</small>	x \$0.05 =	\$ _____

ANNUAL COSTS FOR OTHER CRITICAL DESIGN FEATURES

Include total annual cost for maintenance of other critical design features. Attach separate sheet(s) for cost calculations. \$ _____

TOTAL ANNUAL POST-CLOSURE COST

Sum of all annual post-closure costs \$ _____

TOTAL POST-CLOSURE COST

Annual post-closure costs x 30 years \$ _____



MISSOURI DEPARTMENT OF NATURAL RESOURCES
SOLID WASTE MANAGEMENT PROGRAM
FORM B – PASSIVE GAS SYSTEM WORKSHEET

Complete this form only if you own a Subtitle D facility and did not check boxes 7a, 7b, or 7c of the Closure and Post-Closure Cost Worksheet. If you are permitted to install an active system, but checked box 7d (voluntary active system), the number and depths of vents should be the same as the number and depths of wells in the active system.

GAS VENT INSTALLATION

1. DRILLING, CASING, SCREEN

_____ # vents x _____ ft x \$79 / ft = \$ _____
(AVG. DEPTH)

2. VENT SEALS

_____ # vents x \$346 each = \$ _____

3. TOTAL VENT SYSTEM INSTALLATION COST

(sum lines 1 and 2) \$ _____

PROFESSIONAL SERVICES

4. DESIGN ENGINEER

Total from line 3 x 6% = \$ _____

5. FIELD SERVICES

Total from line 3 x 3.7% = \$ _____

6. FINAL REPORT

\$ 1,200

7. TOTAL PROFESSIONAL SERVICES

(sum of lines 4, 5 and 6) \$ _____

TOTAL GAS VENT SYSTEM COST

(sum of lines 3 and 7) \$ _____

Individual Landfill Unit Closure Cost Worksheets



CLOSURE COSTS

Noble Hill / Cell 1

Final Cover System

<input type="checkbox"/>	Subtitle D (composite) cover	<u>0</u>	acres x	\$ <u>78,200</u> (from Table 1)	per acre =	<u>\$0</u>
<input checked="" type="checkbox"/>	Non-Subtitle D (soil) cover	<u>106.9</u>	acres x	\$ <u>\$43,590</u> (from Table 2)	per acre =	<u>\$4,659,771</u>

Gas Control System

Note: Owners are not required to provide an FAI for an **active** gas system unless you are required to install the system for one of the reasons listed on page two of this worksheet. However, all owners of Subtitle D landfills are required to provide an FAI for a passive gas system if they do not provide one for an active system.

<input checked="" type="checkbox"/>	Active gas extraction system (Complete Form A and write the amount in the blank at right)	<u>\$0</u> Installed
<input type="checkbox"/>	Passive gas venting system (Complete Form B and write the amount in the blank at right)	<u> </u>

Other Critical Design Features

Include total cost for construction of other critical design features (attach separate sheet(s) for cost calculations)	Storm water structures	<u>\$24,087</u> (in 2004\$)
---	------------------------	-----------------------------

TOTAL CLOSURE COST (sum of all lines) \$4,683,858

Complete this form only if you own a Subtitle D facility and did not check boxes 7a, 7b, and 7c on page 2 of this worksheet.
 If you are permitted to install an active system, but checked box 7d (voluntary active system), the number and depths of vents should be the same as the number and depths of wells in the active system.

GAS VENT INSTALLATION

1	Drilling, casing, screen	<u>7</u> # vents x	<u>94</u> avg. depth x	\$79	=	<u>\$51,982</u>	
2	Vent seals	<u>7</u> # vents x		\$346	=	<u>\$2,422</u>	
3	TOTAL INSTALLATION COST (sum 1 and 2)						<u>\$54,404</u>

PROFESSIONAL SERVICES

4	Design Engineer	<u>\$54,404</u> Total Installation costs x		6%	=	<u>\$3,264</u>	
5	Field services	<u>\$54,404</u> Total Installation costs x		3.7%	=	<u>\$2,013</u>	
6	Final report			\$		1,200.00	
7	TOTAL PROFESSIONAL SERVICES (sum 4, 5, and 6)						<u>\$6,477</u>

TOTAL PASSIVE GAS SYSTEM COST (sum 3 and 7) \$60,881

Complete this form only if you own a Subtitle D facility and did not check boxes 7a, 7b, and 7c on page 2 of this worksheet.
If you are permitted to install an active system, but checked box 7d (voluntary active system), the number and depths of vents should be the same as the number and depths of wells in the active system.

GAS VENT INSTALLATION

1	Drilling, casing, screen	<u>5</u> # vents x <u>82</u> avg. depth x	\$79	=	<u>\$32,390</u>
2	Vent seals	<u>5</u> # vents x	\$346	=	<u>\$1,730</u>
3	TOTAL INSTALLATION COST (sum 1 and 2)				<u>\$34,120</u>

PROFESSIONAL SERVICES

4	Design Engineer	<u>\$34,120</u> Total Installation costs x	6%	=	<u>\$2,047</u>
5	Field services	<u>\$34,120</u> Total Installation costs x	3.7%	=	<u>\$1,262</u>
6	Final report		\$	-	**Included in South Ravine P I
7	TOTAL PROFESSIONAL SERVICES (sum 4, 5, and 6)				<u>\$3,310</u>

TOTAL PASSIVE GAS SYSTEM COST (sum 3 and 7)

\$37,430

Individual Landfill Unit Post-Closure Cost Worksheets



INSEPARABLE COSTS

Inseparable Costs All Areas

Annual landfill inspection and reporting						\$1,000
Gas monitoring and reporting						\$4,450
Annual groundwater sampling and analysis cost	<u>14</u>	wells	x	\$ 2,000.00	=	<u>\$28,000</u>
Annual groundwater monitoring system maintenance and statistics costs						\$13,700
<input checked="" type="checkbox"/> Leachate system maintenance (Check if applicable and write this amount in space provided)				\$ 3,100.00		<u>\$3,100</u>
<input checked="" type="checkbox"/> Leachate testing (check if applicable) (Check if applicable and write this amount in space provided)				\$ 2,250.00		<u>\$2,250</u>
<input checked="" type="checkbox"/> Active gas extraction system maintenance and utilities (Check if applicable and write this amount in space provided)				\$ 17,600.00		<u>\$17,600</u>
<input checked="" type="checkbox"/> Passive gas system maintenance (check if applicable) (Check if applicable and write this amount in space provided)				\$ 1,600.00		<u>\$1,600</u>

SEPARABLE COSTS

Cap repair and maintenance	<u>0</u>	acres	x	\$ 278.00	=	<u>\$0</u>		
				(from Table 3)				
<input type="checkbox"/> Leachate treatment (check if applica	<u>0.0</u>	acres	x	<u>4.75</u>	x	<u>\$0.00140</u>	=	<u>\$0.00</u>
				gal / acre / year		cost per gal		
<input type="checkbox"/> Leachate hauling (check if applicabl	<u>0.0</u>	acres	x	<u>4.75</u>	x	<u>\$0.0000</u>	=	<u>\$0.00</u>
				gal / acre / year		cost per gal		
<input type="checkbox"/>							=	<u>\$0</u>

Other Critical Design Features

Include annual cost for maintenance of critical design features
(attach separate sheet(s) for cost calculations)

\$0

TOTAL ANNUAL POST-CLOSURE COST (2004 dollars) \$71,700

TOTAL POST-CLOSURE COSTS (Total annual cost X 30 years) (2004 dollars) \$2,151,000

SEPARABLE ANNUAL COSTS

Noble Hill / Cell 1

Cap repair and maintenance 119.8 acres x $\frac{\$ 278.00}{\text{(from Table 3)}}$ = \$33,304

Leachate treatment (check if applicable) acres x $\frac{4.75}{\text{gal / acre / year}}$ x $\frac{\$0.00140}{\text{cost per gal}}$ = \$0.00

Leachate hauling (check if applicable) 0.0 acres x $\frac{4.75}{\text{gal / acre / year}}$ x $\frac{\$0.0000}{\text{cost per gal}}$ = \$0.00

Leachate disposal cost for standard soil cover area (Noble Hill) (1,090,000 gallons/yr @ \$0.0014/gallon) \$1,526

Other Critical Design Features

Include annual cost for maintenance of critical design features \$0
 (attach separate sheet(s) for cost calculations)

TOTAL ANNUAL POST-CLOSURE COST (2004 dollars)

\$34,830

TOTAL POST-CLOSURE COSTS (Total annual cost X 30 years) (2004 dollars)

\$1,044,912

SEPARABLE ANNUAL COSTS

North Ravine

Cap repair and maintenance 4.9 acres x \$ 278.00 = \$1,362.20
(from Table 3)

Leachate treatment (check if applica 4.9 acres x 4.75 x \$0.00140 = \$0.03
gal / acre / year cost per gal

Leachate hauling (check if applicable) acres x 4.75 x \$0.0000 = \$0.00
gal / acre / year cost per gal

 = \$0

Other Critical Design Features

Include annual cost for maintenance of critical design features
 (attach separate sheet(s) for cost calculations)

\$0

TOTAL ANNUAL POST-CLOSURE COST (2004 dollars)

\$1,362

TOTAL POST-CLOSURE COSTS (Total annual cost X 30 years) (2004 dollars)

\$40,867

Implicit Price Deflator Table



Table 1.1.9. Implicit Price Deflators for Gross Domestic Product

[Index numbers, 2009=100] Seasonally adjusted

Last Revised on: July 29, 2016 - Next Release Date August 26, 2016

Line		2004	2004	2004	2004	2005	2005	2005	2005	2006	2006	2006	2006
		I	II	III	IV	I	II	III	IV	I	II	III	IV
1	Gross domestic product	88.108	88.875	89.422	90.049	90.883	91.543	92.399	93.100	93.832	94.587	95.247	95.580
2	Personal consumption expenditures	88.791	89.415	89.935	90.645	91.114	91.720	92.726	93.452	93.885	94.609	95.286	95.122
3	Goods	94.314	94.844	94.917	96.022	95.851	96.210	97.808	97.909	97.845	98.607	99.181	97.485
4	Durable goods	109.212	109.111	108.279	108.429	108.211	108.076	107.315	107.082	106.657	106.190	105.743	105.096
5	Nondurable goods	86.948	87.770	88.273	89.834	89.681	90.278	93.051	93.313	93.424	94.793	95.876	93.665
6	Services	86.051	86.719	87.460	87.974	88.762	89.493	90.204	91.241	91.924	92.630	93.359	93.971
7	Gross private domestic investment	89.258	90.350	91.018	91.899	92.899	93.881	95.085	96.305	97.326	97.868	98.416	99.195
8	Fixed investment	89.155	90.114	90.980	91.841	92.844	93.833	95.036	96.249	97.206	97.864	98.405	99.225
9	Nonresidential	90.375	90.934	91.315	91.883	92.782	93.500	94.036	94.956	95.616	96.161	96.787	97.645
10	Structures	70.124	71.715	73.683	75.919	78.184	80.278	83.205	86.568	88.852	91.109	92.802	95.269
11	Equipment	98.238	98.577	98.300	98.326	98.811	98.943	98.449	98.373	98.245	98.027	98.325	98.667
12	Intellectual property products	95.149	95.109	95.109	95.070	95.437	95.899	96.062	96.534	97.084	97.402	97.612	97.909
13	Residential	88.901	90.675	92.507	93.963	95.181	96.723	99.281	101.136	102.776	103.730	104.106	104.845
14	Change in private inventories	---	---	---	---	---	---	---	---	---	---	---	---
15	Net exports of goods and services	---											
16	Exports	89.399	90.661	91.191	92.070	93.757	94.374	95.046	95.646	96.344	97.658	98.972	98.875
17	Goods	90.661	92.191	92.593	93.485	94.465	95.194	95.751	96.413	96.944	98.464	99.869	99.970
18	Services	86.659	87.307	88.137	88.994	92.310	92.673	93.627	94.081	95.186	96.005	97.104	96.540
19	Imports	86.439	87.570	88.819	90.889	91.451	92.471	94.686	96.483	96.673	97.710	98.726	97.525
20	Goods	86.448	87.945	89.010	91.203	91.859	93.158	95.532	97.639	97.677	98.734	99.829	98.398
21	Services	87.652	86.908	89.126	90.577	90.661	90.219	91.637	91.813	92.810	93.759	94.373	94.336
22	Government consumption expenditures and gross investment	82.432	83.403	84.440	85.506	86.786	87.611	88.757	89.776	90.842	91.849	92.508	93.128
23	Federal	86.997	87.538	87.988	88.404	90.620	91.098	91.846	92.219	93.996	94.423	94.555	94.814
24	National defense	86.578	87.143	87.611	88.129	90.543	91.032	91.799	92.198	94.181	94.612	94.735	94.996
25	Nondefense	87.736	88.232	88.650	88.882	90.745	91.203	91.915	92.238	93.650	94.071	94.218	94.473
26	State and local	79.770	80.980	82.349	83.785	84.526	85.550	86.925	88.318	88.969	90.316	91.282	92.116
Addendum:													
27	Gross national product	88.083	88.850	89.398	90.026	90.861	91.520	92.378	93.080	93.810	94.565	95.224	95.557

Table 1.1.9. Implicit Price Deflators for Gross Domestic Product

[Index numbers, 2009=100] Seasonally adjusted

Last Revised on: July 29, 2016 - Next Release Date August 26, 2016

Line		2007	2007	2007	2007	2008	2008	2008	2008	2009	2009	2009	2009	2010	2010
		I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II
1	Gross domestic product	96.654	97.194	97.531	97.956	98.516	98.995	99.673	99.815	100.062	99.895	99.873	100.169	100.522	100.968
2	Personal consumption expenditures	96.008	96.771	97.319	98.296	99.139	100.177	101.197	99.746	99.182	99.626	100.253	100.936	101.279	101.393
3	Goods	98.175	99.253	99.474	100.698	101.718	102.927	104.662	100.064	98.374	99.416	100.684	101.503	101.783	101.143
4	Durable goods	104.573	104.102	103.414	102.994	102.657	101.863	101.581	100.831	100.338	100.219	99.550	99.915	99.525	98.921
5	Nondurable goods	94.967	96.827	97.505	99.560	101.248	103.442	106.159	99.717	97.467	99.041	101.224	102.261	102.863	102.209
6	Services	94.957	95.560	96.274	97.125	97.878	98.831	99.501	99.579	99.561	99.727	100.048	100.664	101.035	101.515
7	Gross private domestic investment	99.836	99.896	100.004	100.207	100.379	100.835	101.335	102.423	101.779	100.293	98.987	98.896	98.839	98.857
8	Fixed investment	99.842	99.997	100.023	100.093	100.318	100.552	101.259	101.965	101.364	100.142	99.198	99.235	98.977	99.022
9	Nonresidential	98.290	98.610	98.648	98.736	99.175	99.606	100.741	101.981	101.423	100.215	99.209	99.075	98.721	98.947
10	Structures	96.470	96.947	97.827	99.061	100.225	101.113	102.878	104.874	103.580	100.419	97.666	97.518	97.980	98.554
11	Equipment	98.959	99.100	98.521	97.842	97.724	97.746	98.896	100.765	100.777	100.439	99.883	98.910	97.860	97.809
12	Intellectual property products	98.641	99.107	99.362	99.599	100.225	100.840	101.318	100.927	100.314	99.739	99.564	100.381	100.293	100.635
13	Residential	105.368	105.071	105.090	105.161	104.726	104.279	103.355	101.919	101.121	99.829	99.147	99.879	100.033	99.331
14	Change in private inventories	---	---	---	---	---	---	---	---	---	---	---	---	---	---
15	Net exports of goods and services	---	---	---	---	---	---	---	---	---	---	---	---	---	---
16	Exports	99.546	100.583	101.319	102.839	104.412	107.287	108.916	102.389	98.968	98.920	100.194	101.746	102.638	103.773
17	Goods	100.540	101.731	102.340	104.010	105.669	109.298	110.842	102.596	98.487	99.036	100.312	101.932	102.979	104.348
18	Services	97.451	98.140	99.169	100.359	101.742	102.862	104.664	101.987	99.954	98.685	99.943	101.357	101.940	102.578
19	Imports	97.891	99.522	101.305	105.419	108.881	114.506	117.626	105.094	96.310	97.836	101.265	104.339	105.904	105.387
20	Goods	98.847	100.567	102.373	107.032	111.032	117.209	120.698	106.077	95.622	97.569	101.507	104.966	106.928	106.311
21	Services	94.284	95.486	97.184	98.671	99.597	102.664	104.107	100.896	99.083	98.895	100.271	101.726	101.552	101.455
22	Government consumption expenditures and gross investment	94.897	95.715	96.458	97.465	99.046	100.282	101.317	100.455	99.830	99.693	99.984	100.488	101.667	102.423
23	Federal	96.566	97.161	97.461	98.055	99.602	100.422	100.936	100.158	100.179	99.652	99.811	100.361	101.715	102.446
24	National defense	96.733	97.339	97.707	98.466	100.003	101.036	101.590	100.574	100.361	99.616	99.742	100.296	101.670	102.261
25	Nondefense	96.254	96.829	97.004	97.294	98.857	99.287	99.727	99.400	99.849	99.719	99.941	100.484	101.804	102.785
26	State and local	93.896	94.844	95.849	97.104	98.706	100.198	101.560	100.644	99.608	99.721	100.098	100.572	101.634	102.406
Addendum:															
27	Gross national product	96.631	97.172	97.510	97.939	98.502	98.989	99.674	99.805	100.056	99.893	99.876	100.174	100.640	101.078

Bureau of Economic Analysis
Table 1.1.9. Implicit Price Deflators for Gross Domestic Product
[Index numbers, 2009=100] Seasonally adjusted
Last Revised on: July 29, 2016 - Next Release Date August 26, 2016

Line		2010	2010	2011	2011	2011	2011	2012	2012	2012	2012	2013	2013	2013	2013
		III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV
1	Gross domestic product	101.429	101.949	102.399	103.145	103.768	103.917	104.466	104.943	105.508	105.935	106.349	106.570	107.084	107.636
2	Personal consumption expenditures	101.693	102.233	102.999	104.041	104.593	104.954	105.561	105.884	106.231	106.803	107.183	107.227	107.623	108.086
3	Goods	101.304	102.305	103.792	105.582	106.094	106.177	106.732	106.516	106.581	106.973	106.829	105.824	105.914	105.904
4	Durable goods	98.293	97.817	97.680	98.071	97.843	97.320	97.112	96.685	96.131	95.757	95.470	94.883	94.267	93.766
5	Nondurable goods	102.755	104.485	106.782	109.270	110.154	110.551	111.511	111.412	111.813	112.624	112.559	111.324	111.815	112.087
6	Services	101.884	102.198	102.607	103.278	103.851	104.351	104.984	105.578	106.066	106.729	107.377	107.966	108.519	109.230
7	Gross private domestic investment	99.033	99.553	99.884	100.213	100.641	100.903	101.284	101.833	101.930	102.402	102.931	103.257	103.540	103.959
8	Fixed investment	99.138	99.569	99.941	100.442	100.704	100.962	101.482	101.905	102.309	102.535	102.872	103.380	103.902	104.498
9	Nonresidential	99.092	99.492	99.897	100.428	100.744	101.052	101.723	102.153	102.462	102.516	102.568	102.876	103.185	103.448
10	Structures	99.107	99.712	100.044	101.260	102.304	103.499	104.806	106.013	106.409	106.299	106.622	107.660	108.385	109.679
11	Equipment	98.046	98.290	98.478	98.823	98.931	99.165	99.573	99.656	99.937	100.268	100.161	100.087	100.207	99.745
12	Intellectual property products	100.379	100.850	101.583	101.943	102.085	101.913	102.561	102.993	103.286	103.018	103.120	103.530	103.839	104.525
13	Residential	99.325	99.899	100.115	100.474	100.479	100.501	100.319	100.711	101.571	102.581	104.158	105.514	106.918	108.902
14	Change in private inventories	---	---	---	---	---	---	---	---	---	---	---	---	---	---
15	Net exports of goods and services	---													
16	Exports	104.024	106.456	109.183	111.511	112.156	110.950	111.684	111.986	111.920	112.287	112.610	111.788	111.972	111.899
17	Goods	104.719	107.895	111.142	113.815	114.401	112.807	113.437	113.531	113.480	113.658	113.842	112.568	112.602	112.132
18	Services	102.576	103.399	104.995	106.569	107.334	106.963	107.920	108.677	108.579	109.363	109.995	110.141	110.649	111.442
19	Imports	104.743	107.149	111.480	114.891	114.814	114.543	115.757	115.046	113.371	114.516	114.809	113.593	113.075	113.080
20	Goods	105.519	108.181	113.286	117.199	117.172	117.028	118.348	117.418	115.316	116.595	116.873	115.393	114.695	114.433
21	Services	101.478	102.754	103.591	104.741	104.457	103.617	104.331	104.601	104.841	105.382	105.750	105.732	106.033	107.254
22	Government consumption expenditures and gross investment	102.937	103.670	104.702	105.811	106.249	106.116	107.014	107.129	107.438	107.941	108.336	108.625	109.129	110.111
23	Federal	102.848	103.424	104.585	105.526	105.893	105.690	106.258	106.492	106.639	106.661	106.787	107.031	107.456	109.100
24	National defense	102.473	103.037	104.438	105.441	105.760	105.444	106.234	106.444	106.582	106.608	106.641	106.760	107.098	108.205
25	Nondefense	103.524	104.121	104.853	105.684	106.132	106.133	106.309	106.583	106.746	106.765	107.054	107.510	108.080	110.618
26	State and local	102.999	103.843	104.783	106.009	106.497	106.414	107.544	107.576	107.997	108.835	109.412	109.727	110.283	110.830
Addendum:															
27	Gross national product	101.538	102.059	102.519	103.270	103.892	104.043	104.593	105.069	105.629	106.057	106.473	106.696	107.209	107.760

Table 1.1.9. Implicit Price Deflators for Gross Domestic Product

[Index numbers, 2009=100] Seasonally adjusted

Last Revised on: July 29, 2016 - Next Release Date August 26, 2016

Line		2014	2014	2014	2014	2015	2015	2015	2015	2016	2016
		I	II	III	IV	I	II	III	IV	I	II
1	Gross domestic product	108.117	108.709	109.165	109.300	109.310	109.919	110.253	110.504	110.630	111.237
2	Personal consumption expenditures	108.618	109.130	109.421	109.419	108.976	109.470	109.782	109.890	109.967	110.496
3	Goods	106.052	106.117	105.852	104.910	102.731	103.045	102.807	102.144	101.110	101.325
4	Durable goods	93.213	92.769	92.220	91.510	90.988	90.837	90.236	89.818	89.624	89.111
5	Nondurable goods	112.639	113.002	112.908	111.839	108.683	109.276	109.264	108.459	106.916	107.579
6	Services	109.963	110.709	111.296	111.791	112.270	112.859	113.465	113.987	114.660	115.358
7	Gross private domestic investment	104.819	105.303	105.889	106.312	106.427	106.352	106.589	106.786	106.873	107.339
8	Fixed investment	105.312	105.691	106.316	106.769	106.912	106.846	107.184	107.300	107.467	108.008
9	Nonresidential	103.915	104.298	104.613	104.849	105.012	104.932	105.141	105.117	105.173	105.456
10	Structures	110.934	111.861	112.744	113.292	112.622	111.905	112.165	112.108	111.678	112.497
11	Equipment	100.032	100.398	100.599	100.881	101.255	101.265	101.286	101.301	101.367	101.386
12	Intellectual property products	104.726	104.743	104.835	104.779	105.199	105.414	105.885	105.821	106.163	106.510
13	Residential	111.183	111.543	113.484	114.844	114.895	114.878	115.709	116.355	116.936	118.420
14	Change in private inventories	---	---	---	---	---	---	---	---	---	---
15	Net exports of goods and services	---									
16	Exports	112.777	112.767	112.493	110.535	107.886	107.635	106.541	105.031	103.661	104.662
17	Goods	113.108	112.785	112.091	109.313	105.848	105.371	103.808	101.725	99.070	100.469
18	Services	112.107	112.759	113.389	113.209	112.286	112.500	112.395	112.086	113.411	113.568
19	Imports	114.534	114.084	113.481	111.446	106.840	105.528	104.309	102.255	100.678	101.205
20	Goods	116.097	115.475	114.690	112.307	106.928	105.297	103.944	101.525	99.614	100.219
21	Services	107.755	108.095	108.332	107.888	106.875	107.064	106.469	106.115	106.090	106.260
22	Government consumption expenditures and gross investment	110.597	111.114	111.666	111.670	111.083	111.680	111.815	111.833	111.711	112.390
23	Federal	108.893	109.321	109.725	109.788	109.845	110.093	110.097	109.882	110.286	110.808
24	National defense	108.314	108.620	108.941	108.927	108.853	109.063	109.010	108.766	109.015	109.504
25	Nondefense	109.884	110.507	111.044	111.228	111.489	111.799	111.889	111.719	112.358	112.930
26	State and local	111.771	112.346	112.996	112.962	111.966	112.783	113.000	113.165	112.712	113.490
Addendum:											
27	Gross national product	108.241	108.830	109.283	109.414	109.405	110.011	110.344	110.593	110.714	---

Soil Usage Estimate Calculations



CLIENT City of Springfield, MO

SUBJECT Soil Usage Estimate

Prepared by NH Date 8/3/16

PROJECT 2016 FAI Update

Reviewed by DD Date 8/3/16

Purpose: Estimate the volume of borrow soil remaining for future cell construction and closure projects.

Assumptions and Information:

Previous borrow source volume estimate from August 2015 FAI submittal = 1,383,000 cubic yards

Assume a 5:1 waste to soil daily cover.

Airspace consumed information obtained from quarterly volume calculations for the active landfill:

3rd Quarter 2015 = 85,400 CY (Beginning July 2, 2015)

4th Quarter 2015 = 76,200 CY

1st Quarter 2016 = 114,900 CY

2nd Quarter 2016 = 67,200 CY (Through July 8, 2016)

TOTAL = 343,700 CY

Calculations:

Soil Consumed for Daily Cover = 343,700 CY (1/6) = 57,283 CY

Remaining Borrow Source Soil = 1,383,000 CY – 57,283 CY = 1,325,717 CY ≈ 1,326,000 CY

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed 08-30-16

Sponsored by: Stephens

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016 -213

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 APPROVING the transfer of the City's interest in real property located at 1436 North
2 Rogers Avenue to Springfield Community Gardens.
3
4

5 WHEREAS, the City assumed ownership of property located at 1436 North
6 Rogers Avenue (the "Property") following demolition of a dangerous building on site;
7 and
8

9 WHEREAS, a small portion of the Property is in a 0.2% annual chance floodplain
10 and a larger portion is in a 1% annual chance floodplain (see "Exhibit A"); and
11

12 WHEREAS, Springfield Community Gardens (SCG) will accept ownership of the
13 Property in its current condition to construct a community garden thereon; and
14

15 WHEREAS, after repeated attempts, the City has been unable to find a buyer for
16 the Property; and
17

18 WHEREAS, disposition of real property owned by the City calls for City Council
19 approval.
20

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

24 Section 1 - The City Council hereby approves the transfer of its ownership
25 interest in the real estate located at 1436 North Rogers Avenue , further depicted on
26 "Exhibit A," to SCG at no cost.
27

28 Section 2 - The City Council hereby authorizes the Mayor to execute such
29 documents as are necessary to convey its interest in the property to Springfield
30 Community Gardens.
31

32 Section 3 - This ordinance shall be in full force and effect from and after passage.
33

34 Passed at meeting: _____

35
36
37
38
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40
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47
48

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: *Duke McDonald*, Assistant City Attorney

Approved for Council Action: *Greg Burt*, City Manager

EXPLANATION TO COUNCIL BILL NO. 2016 - 213

FILED: 08-30-16

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To authorize the Mayor, or his designee, to execute necessary documents to convey its interest in real property located at 1436 North Rogers Avenue in Springfield, Missouri, to Springfield Community Gardens (SCG) at no cost to SCG.

BACKGROUND INFORMATION: The City took over title to the property after demolishing a dangerous building located on it. The property sits in a 0.2% annual chance floodplain and a 1% annual chance floodplain (see "Exhibit A"). Due to the flood-plain issues, the City has been unable to sell the property after repeated attempts.

SCG is a local, not-for-profit organization, which will accept the property despite the floodplain issues to develop a community garden. No City department needs the property and it does not have a public purpose. A real-estate conveyance requires City Council's approval.

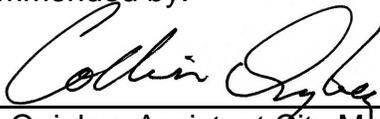
REMARKS: The above council bill originated with the Land Inventory Committee. Under "Administrative Memorandum #5D," the committee has declared the above property to be surplus. Any conveyance of the property must contain a deed restriction that the finish-floor elevation must be above the 0.2% annual chance floodplain.

Submitted by:



Duke McDonald, Assistant City Attorney

Recommended by:



Collin Quigley, Assistant City Manager

Approved by:



Greg Burris, City Manager

Legend

-  Base Flood Elevations
-  Effective FEMA Floodway
-  1% ANNUAL CHANCE FLOOD HAZARD
-  0.2% ANNUAL CHANCE FLOOD HAZARD

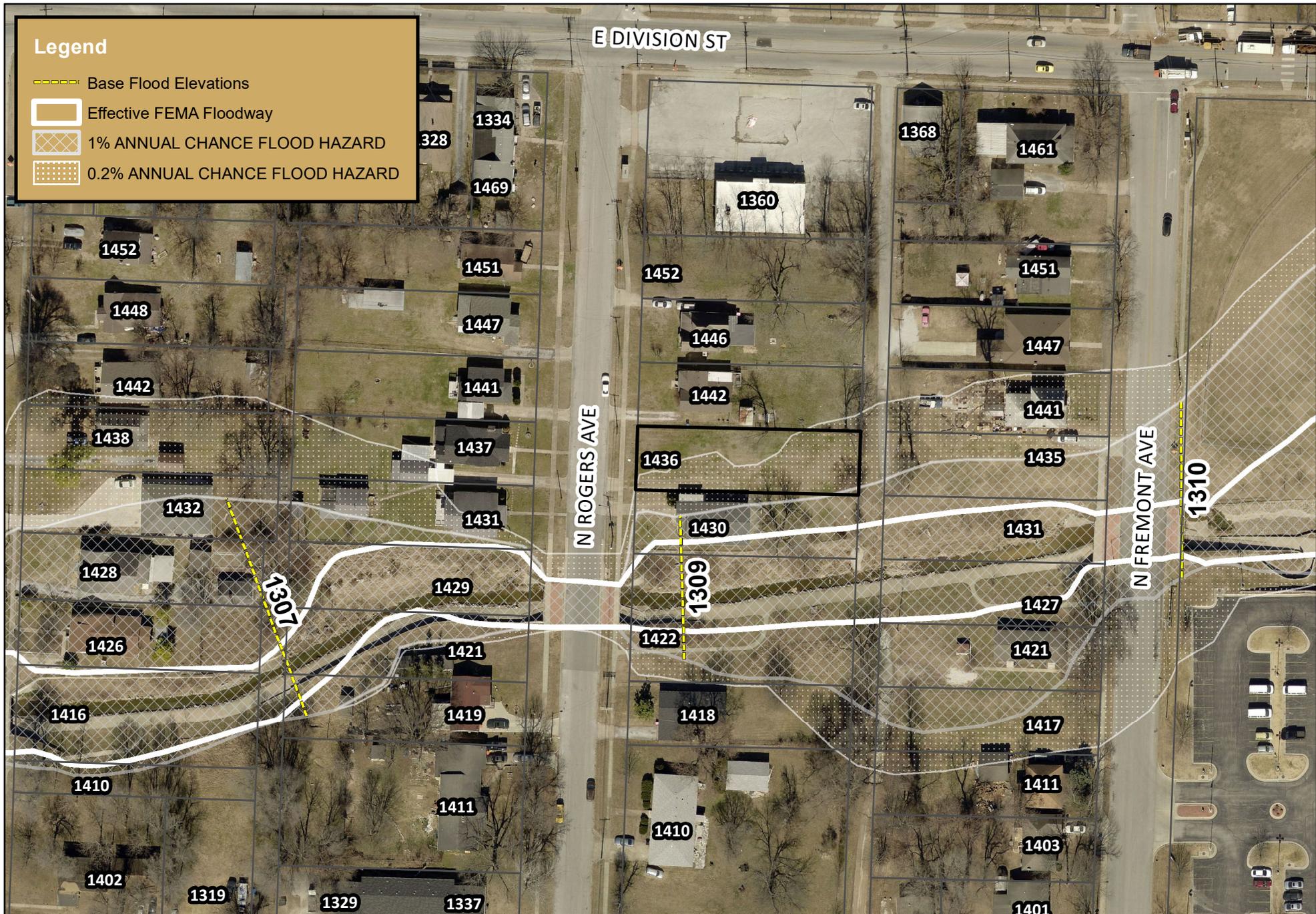


Exhibit A

1436 North Rogers Avenue



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

One-rdg. _____
P. Hrngs. _____
Pgs. 13
Filed: 09-13-16

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 223

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the Director of Planning and Development to accept the dedication of
2 the public streets and easements to the City of Springfield, Missouri,
3 as shown on the Preliminary Plat of Andy Land Subdivision, generally
4 located at 3830 South Glenstone Avenue, upon the applicant filing
5 and recording a final plat that substantially conforms to the preliminary
6 plat; and authorizing the City Clerk to sign the final plat upon
7 compliance with the terms of this ordinance. (Staff recommends that
8 City Council accept the public streets and easements).
9 _____

10
11 WHEREAS, on September 1, 2016, the Planning and Zoning Commission
12 approved the preliminary plat and subdivision of Andy Land Subdivision, generally
13 located at 3830 South Glenstone Avenue, as a subdivision of the City of Springfield,
14 Greene County, Missouri.

15
16 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
17 SPRINGFIELD, MISSOURI, as follows, that:

18
19 Section 1 – The City Council hereby authorizes the Director of Planning and
20 Development to accept the land and easements dedicated to the City for public use as
21 shown on the Preliminary Plat of Andy Land Subdivision, generally located at 3830
22 South Glenstone Avenue, as approved by the Planning and Zoning Commission, the
23 original of which is on file in the Department of Planning and Development (Approved
24 Preliminary Plat), a reduced version of which is included for general reference as
25 "Exhibit B - Attachment 2," upon the applicant filing and recording a final plat in
26 accordance with the Subdivision Ordinance of the City of Springfield, Missouri, which
27 plat shall substantially conform to the Approved Preliminary Plat, including those
28 conditions established by the Planning and Zoning Commission, which conditions are
29 described in the explanation to this Ordinance, a copy of which is attached hereto and
30 incorporated herein as if copied verbatim, and hereby authorizes acceptance of the
31 public improvements required by this Ordinance and the Subdivision Ordinance of the
32 City, upon the Director of Public Works certifying to the Director of Planning and

33 Development and the City Clerk that the public improvements have been made in
34 accordance with City standards and specifications.

35
36 Section 2 – The final plat shall not be recorded until the public improvements
37 relating to the Approved Preliminary Plat, “Exhibit B - Attachment 2,” as set out in the
38 explanation and Development Review Staff Report, “Exhibit B,” which are attached
39 hereto and incorporated herein by reference, shall have been constructed by the person
40 or party subdividing the property according to the specifications of the City of
41 Springfield, Missouri, and are approved by the Director of Public Works of the City; and
42 provided that said party shall have paid to the City of Springfield engineering fees,
43 permit fees, licenses, and other fees occasioned by the construction of said
44 improvements; or, in lieu of the construction of said improvements, that said parties
45 have filed with the City Manager, according to the terms of the Subdivision Ordinance of
46 the City, the prescribed financial assurances to insure the construction of said
47 improvements, and the payment to the City of all engineering fees, permit fees,
48 licenses, and other fees occasioned or which will be occasioned by the construction of
49 the improvements.

50
51 Section 3 – Upon compliance with all the requirements of this ordinance, the City
52 Clerk is hereby authorized to endorse the Council’s approval upon the final plat
53 pursuant to Section 445.030, RSMo.

54
55 Section 4 – Should said parties fail to submit a final plat for the subdivision or
56 portion thereof which substantially conforms to the preliminary plat within two years from
57 the date of this ordinance, then this ordinance shall be of no effect and shall be
58 considered void.

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: Achalee T. Weder, Assistant City Attorney

70
71 Approved for Council action: [Signature], City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 223

FILED: 09-13-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To accept the dedication of the public streets and easements as shown on the Preliminary Plat of Andy Land Subdivision generally located at 3830 South Glenstone Avenue. (Staff recommends that City Council accept the public streets and easements).

BACKGROUND INFORMATION:

- A. An original Preliminary Plat of Andy Land Subdivision dated August 21, 2016, is on file in the Department of Planning and Development. A reduced version is included for general reference in "Exhibit B - Attachment 2."
- B. The Planning and Zoning Commission held a public hearing on September 1, 2016 and approved the preliminary plat by a vote of 5 to 0, subject to the following conditions:
 - 1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - a. Public sewer will need to be extended to serve Lots 1 and 2. Public improvement plans will be required to be designed and constructed according to city standards. The public improvements must be approved, constructed and accepted or escrowed before the plat will be approved.
 - b. Sidewalks are required to be constructed along the property frontage on Luster Avenue and Republic Street or a fee-in-lieu of submitted for review through the Administrative Review Committee (ARC).
 - c. There is an existing natural channel that runs along Glenstone that is available for discharge from this development. Buyout in lieu of on-site stormwater detention cannot be determined by the information provided and may be approved on a case by case basis.
 - 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - a. No access shall be permitted from any lot to Glenstone or Luster

Avenues.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section No. 300 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond or escrow agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section No. 206 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this area within an Activity Center.

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.

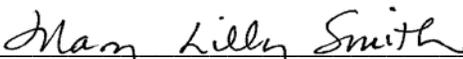
REMARKS: Staff recommends approval.

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, Development Review Staff Report

ATTACHMENTS:

- Attachment 1, Department Comments
- Attachment 2, Preliminary Plat

Exhibit A

RECORD OF PROCEEDINGS

Planning and Zoning Commission September 1, 2016

Andy Land Subdivision
3830 South Glenstone Avenue
Applicant: Wisdom, LLC

Mr. Hosmer stated that this is a request to approve a preliminary plat Andy Land Subdivision to subdivide approximately 1.48 acres into a two lot commercial subdivision located at 3830 South Glenstone Avenue.

This property is the remnant of Flowerland Subdivision and vacated right-of-way of Luster Avenue from the MoDOT and City intersection improvements. Public sewer will need to be extended to serve Lots 1 and 2. Sidewalks are required to be constructed along the property frontage on Luster Avenue and Republic Street. Buyout in lieu of on-site stormwater detention cannot be determined by the information provided and can be approved on a case by case basis. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations. If Planning and Zoning Commission approves the preliminary plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years. Staff recommends approval

Mr. Doennig opened the public hearing.

Mr. Neil Brady, Anderson Engineering, 2045 W. Woodland. They are actively building the site and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Coltrin motioned that we approve Andy Land Subdivision (3830 South Glenstone Avenue). Mr. Shuler seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

Bob Hosmer, AICP
Principal Planner

Development Review Staff Report

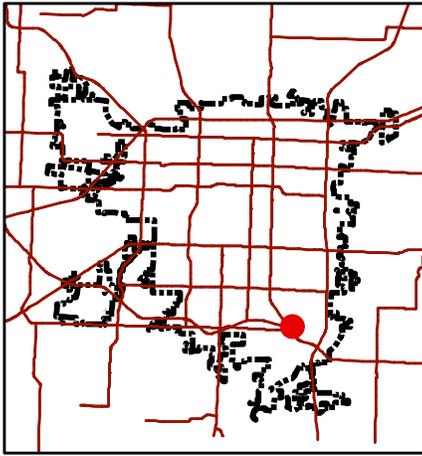
Department of Planning & Development - 417-864-1031
840 Boonville - Springfield, Missouri 65802

Preliminary Plat - Andy Land Subdivision

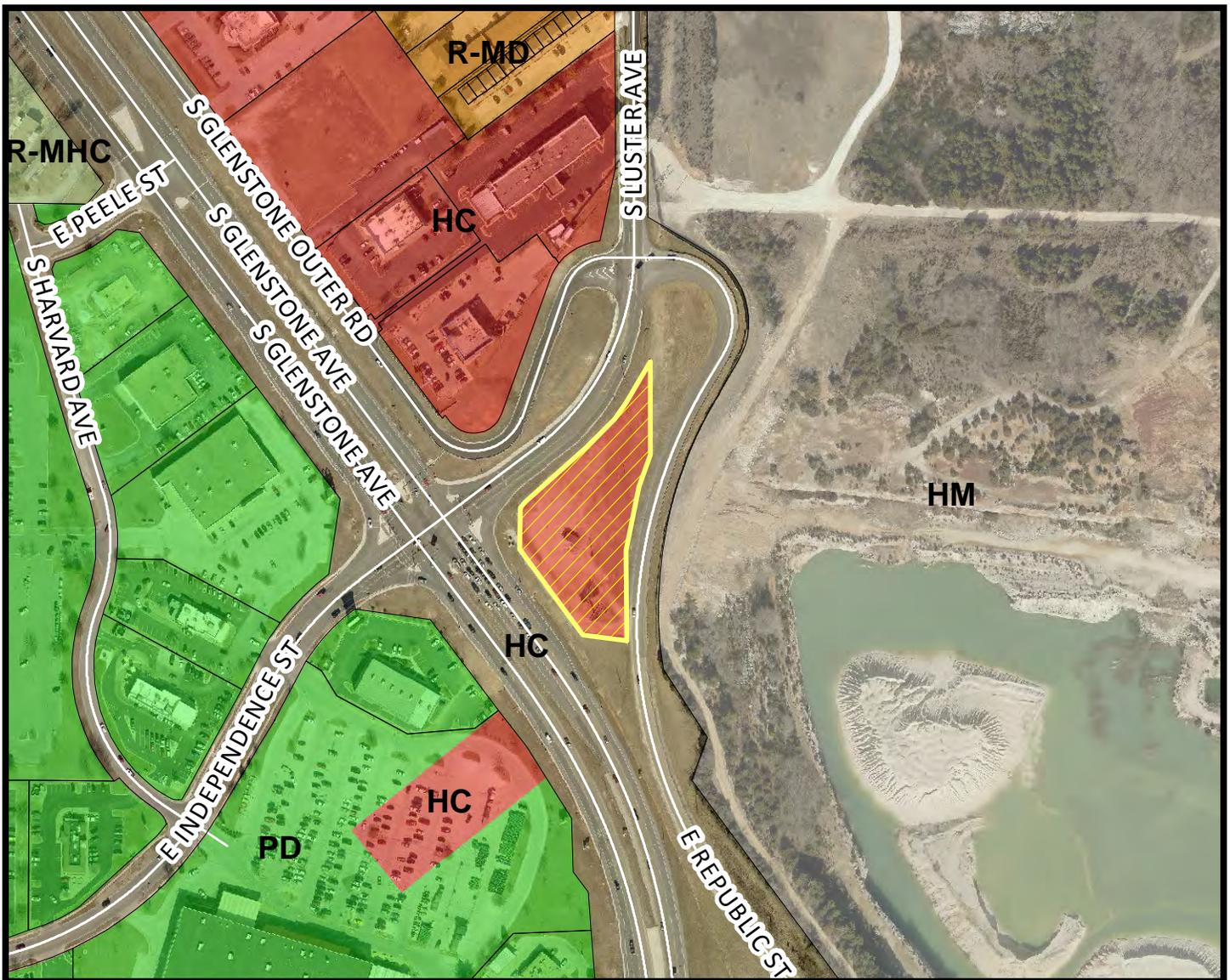
LOCATION: 3830 S. Glenstone Avenue

CURRENT ZONING: HC, Highway Commercial District

PROPOSED ZONING: NA



LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

DEVELOPMENT REVIEW STAFF REPORT
PRELIMINARY PLAT – ANDY LAND SUBDIVISION

PURPOSE: To approve a preliminary plat to subdivide approximately 1.48 acres into a two lot commercial subdivision

REPORT DATE: August 19, 2016

LOCATION: 3830 S. Glenstone Avenue

APPLICANT: Wisdom, LLC

TRACT SIZE: Approximately 1.48 acres

EXISTING USE: Eating and drinking establishment (under construction)

PROPOSED USE: Highway Commercial uses

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant's proposal, with the conditions listed below, is consistent with the City's *Subdivision Regulations*.

RECOMMENDATION:

Staff recommends the Planning and Zoning Commission **approve** the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - a. Public sewer will need to be extended to serve Lots 1 and 2. Public improvement plans will be required to be designed and constructed according to city standards. The public improvements must be approved, constructed and accepted or escrowed before the plat could be approved.
 - b. Sidewalks are required to be constructed along the property frontage on Luster Avenue and Republic Street or a fee-in-lieu of submitted for review through the Administrative Review Committee (ARC).
 - c. There is an existing natural channel that runs along Glenstone that is

available for this development to discharge into. Buyout in lieu of on-site stormwater detention cannot be determined by the information provided and can be approved on a case by case basis.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - a. No access shall be permitted from any lot to Glenstone or Luster Avenues.
7. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
8. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
9. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
10. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	HC	Restaurant and hotel uses
East	HM	Quarry uses
South	PD 199, 3rd	General Retail uses
West	PD 199, 3 rd	General Retail uses

HISTORY:

This property is the remnant of Flowerland Subdivision and vacated right-of-way of Luster Avenue from recent MoDOT and City intersection improvements.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Park uses. This category shows approximate locations for neighborhood, community and natural resource parks, consistent with the Parks, Open Space and Greenways Plan of Vision 20/20. It is also located within the Battlefield-Glenstone-James River Freeway Activity Center which forms a focal point of what is the most significant Activity Centers today.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 1.48 acres into a 2 lot commercial subdivision named "ANDY LAND SUBDIVISION". The property is currently zoned HC, Highway Commercial District and an eating and drinking establishment is currently under construction on it.
2. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

CITY COUNCIL: September 19, 2016

STAFF CONTACT:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
DEPARTMENT COMMENTS
PRELIMINARY PLAT – ANDY LAND SUBDIVISION

AT&T COMMENTS:

No comments.

BUILDING DEVELOPMENT SERVICES COMMENTS:

The exterior lighting plan for the existing development will need to be modified to reduce the light spillover at the new interior lot line.

CITY UTILITIES COMMENTS:

Easements are shown as requested. All utilities are available to both lots.

FIRE DEPARTMENT COMMENTS:

No issues.

MODOT COMMENTS:

No comments.

TRAFFIC DIVISION COMMENTS:

Sidewalks are required to be constructed along the property frontage on Luster Avenue and Republic Street or a fee-in-lieu of submitted for review through the Administrative Review Committee (ARC).

STORMWATER COMMENTS:

The property is located in the Thompson Branch drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of any flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention cannot be determined based on the information provided. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required. There is an existing natural channel that runs along Glenstone available for this development to discharge into. There are no sinkholes on the proposed property.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious

surfacing will require the development to meet current detention and water quality requirements.

2. 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.
3. Must obtain MoDOT approval to discharge stormwater onto MoDOT right of way.
4. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.

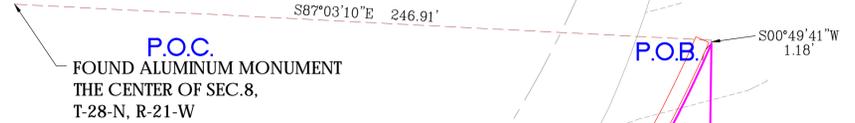
Public Works Stormwater Division	Response
Which Drainage Basin is this located?	Thompson Branch
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	No

CLEAN WATER SERVICES COMMENTS:

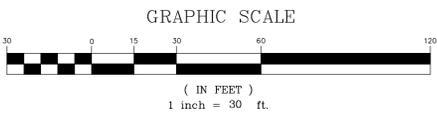
1. The public improvements plans required for this subdivision are currently under review. The subdivision cannot be approved until the public improvements have been approved and constructed or escrowed.

ATTACHMENT 2

ANDY LAND SUBDIVISION BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 28 NORTH, RANGE 21 WEST, IN GREENE COUNTY, MISSOURI. PRELIMINARY PLAT



BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.



PARKING SUMMARY

LOT 1
BUILDING: 3,474 F²
USE: MEDICAL & DENTAL OFFICES & CLINICS
ONE (1) FOR EACH 250 F² TOTAL BUILDING FLOOR AREA.
REQUIRED = 14 SPACES
PROVIDED = 24 SPACES

LOT 2
BUILDING: 1,950 F²
USE: RESTAURANT, DRIVE-THRU, NO ON-SITE SEATING
ONE (1) FOR EACH EMPLOYEE ON LARGEST SHIFT BUT NOT LESS THAN 6.
REQUIRED = 6 SPACES
PROVIDED = 25 SPACES

NOTES

LOT SIZE
SMALLEST - LOT 1 = 29,775± SQ. FT.
LARGEST - LOT 2 = 34,704± SQ. FT.
TOTAL SQUARE FOOTAGE OF DEVELOPMENT = 64,479± SQ. FT.
TOTAL ACREAGE OF DEVELOPMENT = 1.48± ACRES
TOTAL NUMBER OF LOTS = 2
DATE OF PRELIMINARY PLAT SUBMITTAL =
DATE OF FINAL PLAT SUBMITTAL =
OWNERSHIP = BOOK, PAGE

METERS TO U.S. FEET CONVERSION 3.28083333 "GRID".

MAINTENANCE OF ANY AREA REFERRED TO AS DRAINAGE EASEMENT OR DRAINAGE DETENTION IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

INSTALLATION OF IRON PINS ON ALL LOT CORNERS WILL BE COMPLETED UPON COMPLETION OF UTILITIES INSTALLATIONS.

OPEN SPACE SUMMARY

LOT 1
TOTAL LOT AREA: 29,775 F²
OPEN SPACE REQUIRED: 5,655 F²

LOT 2
TOTAL LOT AREA: 34,704 F²
OPEN SPACE REQUIRED: 6,941 F²
OPEN SPACE PROVIDED: 9,238 F² > 20%

SURFACE WATER DRAINAGE STATEMENT

THE AREA SHOWN HEREON IS NOT LOCATED IN A STORM SEWER DISTRICT AS OF THE DATE OF RECORDING AND MAY BE SUBJECT TO FUTURE ASSESSMENT COST IF INCLUDED IN FUTURE STORM WATER BENEFIT DISTRICT DEEMED NECESSARY RESULTING FROM PROBLEMS CREATED BY SURFACE RUNOFF. THIS IS DUE TO THE FACT THAT THE SURFACE WATER RUNOFF IS PRESENTLY BEING ACCOMMODATED BY STREET AND OPEN DRAINAGE FACILITIES.

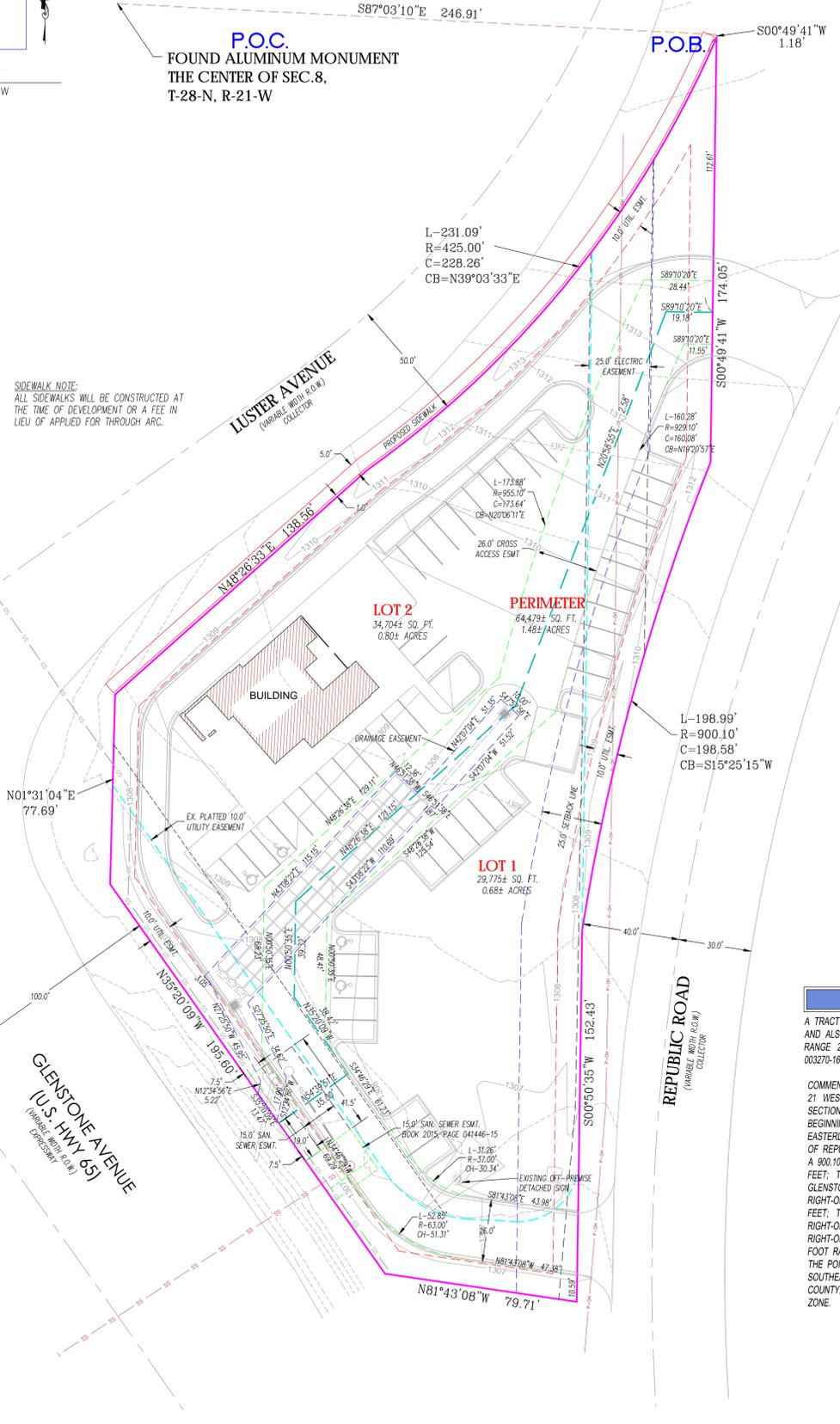
FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 2907203344E, WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 17, 2010 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS.

LEGEND OF SYMBOLS AND ABBREVIATIONS

④	INTERNAL ANGLE # (SEE TABLE)	WV	WATER VALVE
SS	SANITARY SEWER LINE	GV	GAS VALVE
E	OVERHEAD ELECTRIC	WM	WATER METER
G	GAS LINE	TR	TELEPHONE RISER
W	WATER LINE	ER	ELECTRIC RISER
UT	UNDERGROUND TELEPHONE	RD	ROOF DRAIN
UE	UNDERGROUND ELECTRIC	TRANS	TRANSFORMER PAD
X	FENCE LINE	MH	SANITARY MANHOLE
⊙	FIRE HYDRANT	RWM	RIGHT-OF-WAY MARKER
LP	LIGHT POLE	IP	FOUND IRON PIN
P.O.C.	POINT OF COMMENCEMENT	OP	SET IRON PIN
LINE LABELS	MEASURED 100' M DEED 100' D RECORD 100' R	P.O.B.	POINT OF BEGINNING
		⊙	GROUND LIGHT
		⊙	PERMANENT MONUMENT
		⊙	KEY NOTES

SIDEWALK NOTE:
ALL SIDEWALKS WILL BE CONSTRUCTED AT THE TIME OF DEVELOPMENT OR A FEE IN LIEU OF APPLIED FOR THROUGH ARC.



STATE PLANE COORDINATE THE MISSOURI COORDINATE SYSTEM 1983

CONTROL STATION:	GR-06 RESET	NORTHING - 147168.877 (M)	EASTING - 432226.647 (M)
	GR-37	NORTHING - 145149.372 (M)	EASTING - 433369.156 (M)
		GRID FACTOR - 0.9999313	GRID FACTOR - 0.9999309

COORDINATES EXPRESSED IN METERS.

ZONING DATA

SUBJECT PROPERTY IS ZONED HC (HIGHWAY COMMERCIAL DISTRICT)

MAXIMUM STRUCTURE HEIGHT: NONE, EXCEPT THAT ALL STRUCTURES SHALL REMAIN BELOW A THIRTY DEGREE BULK PLANE AS MEASURED FROM THE BOUNDARIES OF R-S OR R-TH.

MINIMUM YARD REQUIREMENTS:
FRONT YARD: 25 FEET ALONG A STREET CLASSIFIED AS A COLLECTOR OR HIGHER CLASSIFICATION STREET OR AS REQUIRED BY SECTION 5-1300.
SIDE YARD: NONE, EXCEPT AS REQUIRED BY SECTION 5-1300.
REAR YARD: NONE, EXCEPT AS REQUIRED BY THE BUFFERYARD REQUIREMENTS IN SUBSECTION 4-3208.

HOWEVER, IN NO EVENT MAY A STRUCTURE BE ERECTED CLOSER TO THE CENTERLINE OF AN EXISTING OR PLANNED STREET THAN AS PRESCRIBED BELOW.

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTER LINE
EXPRESSWAY	(GLENSTONE AVE.) 65 FEET PLUS REQUIRED YARD SETBACK
COLLECTOR	(LUSTER AVE & REPUBLIC RD) 30 FEET PLUS REQUIRED YARD SETBACK

SURVEY DESCRIPTION

A TRACT OF LAND AS BEING A PART OF THE FINAL PLAT OF FLOWERLAND AS DESCRIBED IN PLAT BOOK DD, PAGE 29 AND ALSO LYING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 28 NORTH, RANGE 21 WEST AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2016, PAGE 003270-16 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 28, NORTH, RANGE 21 WEST; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, SOUTH 87°03'10" EAST, 246.91 FEET; THENCE SOUTH 00°49'41" WEST, 1.18 FEET TO THE POINT OF BEGINNING SAID POINT ALSO LYING AT THE SOUTHERLY RIGHT-OF-WAY OF LUSTER AVENUE; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY, SOUTH 00°49'41" WEST, 174.05 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF REPUBLIC ROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES, 198.99 FEET ALONG A 900.10 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 15°25'15" WEST FOR A DISTANCE OF 198.58 FEET; THENCE SOUTH 00°50'35" WEST, 152.43 FEET TO A POINT LYING ON THE EASTERLY RIGHT-OF-WAY OF GLENSTONE AVENUE; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 81°43'08" WEST, 79.71 FEET; THENCE NORTH 35°20'09" WEST, 195.60 FEET; THENCE NORTH 01°31'04" EAST, 77.69 FEET TO A POINT LYING ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY OF LUSTER AVENUE; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY AND ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 48°28'33" EAST, 138.56 FEET; THENCE 231.09 FEET ALONG A 425.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 39°03'33" EAST FOR A DISTANCE OF 228.26 FEET TO THE POINT OF BEGINNING, CONTAINING 1.48 ACRES, MORE OR LESS, ALL LYING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 28 NORTH, RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

CERTIFICATE OF APPROVAL BY THE PLANNING BOARD
APPROVED THIS ____ DAY OF _____, 20____, BY THE PLANNING BOARD OF GREENE COUNTY, MISSOURI.

KENT D. MORRIS, AICP, DIRECTOR

DEDICATION
SAID LAND HAS BEEN SUBDIVIDED AS SHOWN HEREON. ALL STREETS, EASEMENTS AND ACCESS LIMITATIONS ARE RELINQUISHED AND DEDICATED TO THE PUBLIC, IN WITNESS WHEREOF, _____ (CORPORATE OFFICER) OF THE PROPERTY DESCRIBED HEREON, CAUSED THIS PLAT TO BE SIGNED THIS ____ DAY OF _____, 20____.

DATE OF EXECUTION _____ SIGNED _____ NO SEAL

_____ TITLE _____

_____ PRINT NAME _____

ACKNOWLEDGMENT
STATE OF MISSOURI) SS
COUNTY OF GREENE)

ON THIS ____ DAY OF _____ IN THE YEAR 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____ TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN DID SAY THAT HE/SHE IS THE _____ OF _____, A LIMITED LIABILITY COMPANY OF THE STATE OF _____ AND THAT SAID DOCUMENT WAS SIGNED IN BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS _____ AND SAID _____ ACKNOWLEDGED SAID DOCUMENT TO BE THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

NOTARY PUBLIC: _____
PRINT NAME: _____

SURVEYOR'S CERTIFICATE
KNOWN ALL MEN BY THESE PRESENTS:

THAT I, KEVIN L. LAMBETH DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, PREPARED BY ANDERSON ENGINEERING, INC. DATED JULY 21, 2016 AND SIGNED BY KEVIN L. LAMBETH, PLS NO. 2695 AND THAT THE MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE SUPERVISION OF KEVIN L. LAMBETH, PLS NO. 2695 IN ACCORDANCE WITH THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, AND IN ACCORDANCE WITH SECTION 410.5 OF THE SUBDIVISION REGULATIONS, ARTICLE II, CHAPTER 36, OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, DATE OF LAST REVISION JULY 22, 2016.

ANDERSON ENGINEERING, INC. LC 62 BY:

_____ KEVIN L. LAMBETH, PLS NO. 2695

8-22-2016
DATE PREPARED



PREPARED BY
KEVIN L. LAMBETH, PLS
ANDERSON ENGINEERING, INC.
2045 W. WOODLAND
SPRINGFIELD, MO. 65807

OWNER AND DEVELOPER
WISDOM, LLC
3830 N. BOONVILLE AVENUE
SPRINGFIELD, MO. 65806

AE ANDERSON ENGINEERING
EMPLOYEE OWNED
ENGINEERS - SURVEYORS - LABORATORIES - DESIGN

2045 W. WOODLAND
SPRINGFIELD, MISSOURI 65807
PHONE (417) 866-2741
FAX (417) 866-2778

COA #000692

FIELD: BH	DATE: 7-21-2016	WB 110-649 SHT. 1 OF 1 REV. _____
DRAWN: BAC	FIELD BK:	
CHECKED: KLL	JOB NO: 10128-16	

One-rdg. X
P. Hrngs.
Pgs. 11
Filed: 09-13-16

Sponsored by: McClure

First Reading:

Second Reading:

COUNCIL BILL NO. 2016- 224

SPECIAL ORDINANCE NO.

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to execute a contract between
2 the City of Springfield and the Missouri Highways and
3 Transportation Commission, providing for a grant of funds under
4 Section 305.230, RSMo, to the City, by and through the Springfield-
5 Branson National Airport Board in the amount of \$89,334.00 for
6 development of an Airport Business Plan for the Springfield-
7 Branson National Airport, and amending the budget of the Airport
8 Board in the amount of \$99,260.00; and declaring that this bill
9 qualifies for approval in one reading.

10 _____
11
12 WHEREAS, the City of Springfield (City), by and through its Airport Board, has
13 applied to the Missouri Highways and Transportation Commission (MHTC) for a grant of
14 funds under section 305.230, RSMo; and

15
16 WHEREAS, MHTC has agreed to award funds in the amount of \$89,334.00 to
17 the City with the understanding that such funds will be used in conjunction with partial
18 matching funds provided by the Springfield-Branson National Airport (Airport) in the
19 amount of \$9,926.00 to fund the development of an Airport Business Plan as described
20 in the MHTC Airport Aid Agreement (Agreement); and

21
22 WHEREAS MHTC and the City desire to enter into the Agreement related to the
23 grant described herein.

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

27
28 Section 1 – The City Council hereby authorizes the City Manager, or his
29 designee, to execute the Agreement between the City and MHTC, said agreement to be
30 substantially in form and content as that document attached hereto and incorporated
31 herein by reference as “Exhibit A.”
32

33 Section 2 –City Council hereby amends the Airport Board’s budget for Fiscal
34 Year 2016-2017 in the accounts and in the amounts as shown on Budget Adjustment
35 No. 0010, a copy of which is attached hereto and incorporated herein by reference as
36 “Exhibit B.”

37
38 Section 3 –City Council hereby finds that the budget adjustment referenced
39 above has been recommended by the City Manager and further finds that the budget
40 adjustment herein is a necessary public expenditure.

41
42 Section 4 –City Council, hereby directs the City Manager to cause the
43 appropriate accounting entries to be made in the books and records of the City. In the
44 event additional funding is provided under this grant by the grantor, City Council
45 authorizes the Airport Board, so long as the Department of Aviation has sufficient
46 retained earnings for any additional or matching funds required, to accept said
47 additional funding and authorizes the Director of Finance to adjust the appropriation
48 described herein by the additional amount accepted by the Airport Board.

49
50 Section 5 –City Council finds and declares this ordinance relates to the
51 acceptance of grant funds from a state or federal agency and may be passed as a one-
52 reading ordinance pursuant to Section 2.16(25) of the City Charter. Therefore this
53 ordinance shall be in full force and effect from and after passage.

54
55
56 Passed at meeting: _____

57
58
59 _____
60 Mayor

61
62 Attest: _____, City Clerk

63
64
65 Filed as Ordinance: _____

66
67
68 Approved as to form:  _____, Assistant City Attorney

69
70
71 Approved for Council action:  _____, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 224

FILED: 09-13-16

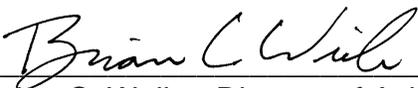
ORIGINATING DEPARTMENT: Airport

PURPOSE: To authorize the City Manager to execute an Airport Aid Agreement for the development of an Airport Business Plan between the City and the Missouri Highways and Transportation Commission (MHTC), pursuant to §305.230.4(1)(k) RSMo, which authorizes a grant of funds to the City, by and through the Springfield-Branson National Airport Board (Airport Board) in the amount of \$89,334.00 for air service marketing and promotion of the Springfield-Branson National Airport and to amend the budget for the Airport Board in the amount of \$99,260.00.

BACKGROUND INFORMATION: On May 11, 2015, the Airport Board applied for a grant from MHTC. On August 24, 2016, MHTC awarded the funds to help in the development of an Airport Business Plan. Pursuant to the terms and conditions expressed in the Airport Aid Agreement, attached to the proposed ordinance as "Exhibit A," the Airport shall provide partial funding in the amount of \$9,926.00 to help complete the project.

REMARKS: The Airport Board recommends that the City accept this Grant.

Submitted by:



Brian C. Weiler, Director of Aviation

Approved:



Greg Burris, City Manager

Exhibit A

CCO Form: AC01
Approved: 02/94 (MLH)
Revised: 01/15 (MWH)
Modified: 09/16 (MWH)

Sponsor City of Springfield
Project No. AIR 166-092A

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
AIRPORT AID AGREEMENT**

THIS GRANT AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield (hereinafter, "Sponsor").

WITNESSETH:

WHEREAS, the Sponsor has applied to the Commission for a grant of funds under §305.230 RSMo; and

WHEREAS, the Commission has agreed to award funds available under §305.230 RSMo to the Sponsor with the understanding that such funds will be used for a project pursuant to this Agreement for the purposes generally described in the Sponsor's grant application/request dated May 11, 2015, and specifically described as follows:

Airport Business Plan;

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 provide financial assistance to the Sponsor under §305.230 RSMo.

(2) AMOUNT OF GRANT: The amount of this grant is Eighty-Nine Thousand Three Hundred Thirty-Four Dollars (\$89,334); provided, however, that in the event state funds available to the Commission under §305.230 RSMo are reduced so that the Commission is incapable of completely satisfying its obligations to all the Sponsors for the current state fiscal year, the Commission may recompute and reduce this grant. The designation of this grant does not create a lump sum quantity contract, but rather only represents the amount of funding available for qualifying expenses. In no event will the Commission provide the Sponsor funding for improvements or work that are not actually performed. The release of all funding under this Agreement is subject to review and approval of all project expenses to ensure that they are qualifying expenses under this program.

(3) AMOUNT OF MATCHING FUNDS: The amount of local matching funds, and/or other resources, to be furnished by the Sponsor is Nine Thousand Nine Hundred Twenty-Six Dollars (\$9,926). The Sponsor warrants to the Commission that it has

sufficient cash on deposit, or other readily available resources, to provide the local matching funds to complete the project.

(4) PROJECT TIME PERIOD: The project period shall be from the date of execution of this Agreement by the Commission to September 1, 2017. The Commission's representative may, in writing, extend the project time period for good cause as shown by the Sponsor. The grant funds in paragraph (2) not expended or duly obligated during the project time period shall be released for use in other projects under §305.230 RSMo.

(5) TITLE EVIDENCE TO EXISTING AIRPORT PROPERTY: By signing this Agreement, the Sponsor certifies that it holds satisfactory evidence of title to all existing airport property and avigation easements.

(6) CONTROL OF AIRPORT: The Sponsor agrees to continue to control the airport, either as owner or as lessee, for twenty (20) years following receipt of the last payment from this grant.

(7) WITHDRAWAL OF GRANT OFFER: The Commission reserves the right to amend or withdraw this grant offer at any time prior to acceptance by the Sponsor.

(8) PAYMENT: Payments to the Sponsor are made on an advance basis. The Sponsor may request incremental payments during the course of a project or a lump sum payment upon completion of the work. However, this advance payment is subject to the limitations imposed by paragraph (8)(B) of this Agreement.

(A) The Sponsor may request payment at any time subsequent to the execution of this Agreement by both parties. Requests for reimbursement shall be supported with invoices. After the Sponsor pays incurred costs, copies of checks used to pay providers must be submitted to the Commission.

(B) It is understood and agreed by and between the parties that the Commission shall make no payment which could cause the aggregate of all payments under this Agreement to exceed ninety percent (90%) of the maximum state (Aviation Trust Fund) obligation stated in this Agreement or eighty-one percent (81%) of actual total eligible project cost, whichever is lower, until the Sponsor has met and/or performed all requirements of this grant Agreement to the satisfaction of the Commission.

(C) Within ninety (90) days of final inspection of the project funded under this grant, the Sponsor shall provide to the Commission a final payment request and all financial performance and other reports as required by the conditions of this grant.

(D) When land donations are used, the costs for land may be submitted with an appraisal prepared by a MoDOT-certified appraiser. All donations must be

preapproved by the Commission to ensure eligibility for funding.

(E) If the Commission determines that the Sponsor was overpaid, the amount of overpayment shall be remitted to the Commission.

(9) AUDIT OF RECORDS: The Sponsor must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(10) FINANCIAL SUMMARY: Upon request of the Commission, the Sponsor shall provide to the Commission a financial summary of the total funds expended. The summary must show the source of funds and the specific items for which they were expended.

(11) NONDISCRIMINATION CLAUSE: The Sponsor shall comply with all state and federal statutes applicable to the Sponsor relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964 as amended (42 U.S.C. §2000d and §2000e, *et seq.*); and with any provision of the "Americans with Disabilities Act" (42 U.S.C. §12101, *et seq.*).

(12) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations by providing the Sponsor with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Sponsor.

(13) LACK OF PROGRESS: Any lack of progress which significantly endangers substantial performance of the project within the specified time shall be deemed a violation of the terms of this Agreement. The determination of lack of progress shall be solely within the discretion of the Commission. The Commission shall notify the Sponsor in writing once such a determination is made.

(14) 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.

(15) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Sponsor shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(16) WORK PRODUCT: All documents, reports, exhibits, etc. produced by the Sponsor at the direction of the Commission and information supplied by the Commission shall remain the property of the Commission.

(17) CONFIDENTIALITY: The Sponsor shall not disclose to third parties confidential factual matters provided by the Commission except as may be required by statute, ordinance or order of court, or as authorized by the Commission. The Sponsor shall notify the Commission immediately of any request for such information.

(18) NONSOLICITATION: The Sponsor warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Sponsor, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the Commission shall have the right to annul this Agreement without liability, or in its discretion, to deduct from this Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

(19) DISPUTES: Any disputes that arise under this Agreement shall be decided by the Commission or its representative.

(20) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the Sponsor shall defend, indemnify and hold harmless the Commission, including its members and 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 Sponsor's wrongful or negligent performance of its obligations under this Agreement.

(B) The Sponsor will require any contractor procured by the Sponsor 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 the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) 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.

(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.

(21) NOTIFICATION OF CHANGE: The Sponsor shall immediately notify the Commission of any change in conditions or law which may significantly affect its ability to perform the project in accordance with the provisions of this Agreement.

(22) 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 Sponsor and the Commission.

(23) PROFESSIONAL SERVICES BY COMPETITIVE PROPOSALS: Contracts for architectural, engineering and/or land surveying services, as defined in section 8.287 RSMo, shall be procured by competitive proposals, and the procurement process shall comply with sections 8.285-8.291 RSMo.

(24) ASSIGNMENT: The Sponsor shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(25) BANKRUPTCY: Upon filing for any bankruptcy or insolvency proceeding by or against the Sponsor, whether voluntarily, or upon the appointment of a receiver, trustee, or assignee, for the benefit of creditors, the Commission reserves the right and sole discretion to either cancel this Agreement or affirm this Agreement and hold the Sponsor responsible for damages.

(26) COMMISSION REPRESENTATIVE: The Commission's chief 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.

(27) SAFETY INSPECTION: The Sponsor shall eliminate all deficiencies identified in its most recent safety inspection letter. If immediate elimination is not feasible, as determined by the Commission, the Sponsor shall provide a satisfactory plan to eliminate the deficiencies.

(28) AIRPORT USE: The Sponsor agrees to operate the airport for the use and benefit of the public. The Sponsor further agrees that it will keep the airport open to all types, kinds, and classes of aeronautical use on fair and reasonable terms without discrimination between such types, kinds and classes. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Commission. Otherwise, at no time shall the airport be closed to accommodate a non-aeronautical event or activity.

(29) SAFE OPERATION OF AIRPORT: The Sponsor agrees to operate and maintain in a safe and serviceable condition the airport and all connected facilities which are necessary to serve the aeronautical users of the airport other than facilities owned or controlled by the United States. The Sponsor further agrees that it will not permit any activity on the airport's grounds that would interfere with its safe use for airport purposes. Nothing contained in this Agreement shall be construed to require that the airport be operated for aeronautical uses during temporary periods when snow, ice, or other climatic conditions interfere with safe operations.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have entered into and accepted this Agreement on the last date written below.

Executed by the Sponsor this _____ day of _____, 20____.

Executed by the Commission this _____ day of _____, 20____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

By _____

Title _____

Title _____

Attest:

By _____

Title _____

Approved as to Form:

Title _____

Ordinance No. _____
(if applicable)

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

BA Number 0010

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
51040	01	46010	416020			89,334.00	Reimbursement from the MODot for airport business plan
51040	01	46010	417010			9,926.00	Transfer From Other Funds - Local Match
Net Revenue Adjustment						99,260.00	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
51040	01	46010	504580			99,260.00	Consulting expenses relating to airport business plan
51010	01	46010	502430			(9,926.00)	Fund Balance Appropriation - Local Match
51010	01	46010	509910			9,926.00	Transfer To Other Funds - Local Match
Net Expenditure Adjustment						99,260.00	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation:

Funds can be used for a revenue guarantee to these airlines starting or expanding services, and for marketing of air services. The airport will have up to three years to use grant funds.

Requested By:

Brian C. White 9/14/16
Department Head Date

Approved By:

D. J. Hill 9/14/16
Interim Director of Finance Date

Authorization:

Council Bill No. 2016-224
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed 08-30-16

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016 -212

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

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APPROVING the transfer of the City's interest in real property located at 820 West Brower Street to the Springfield Community Land Trust.

WHEREAS, the City assumed the title to property located at 820 West Brower Street (the "Property") after demolition of a dangerous building located on site; and

WHEREAS, after three attempts, the City has been unable to find a buyer for the Property; and

WHEREAS, Springfield Community Land Trust ("SCLT") will accept the Property to construct affordable housing upon the Property; and

WHEREAS, disposition of real property owned by the City calls for City Council approval.

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

Section 1 - The City Council hereby approves the transfer of its ownership interest in the real estate located at 820 West Brower Street , further depicted on "Exhibit A," to SCLT at no cost.

Section 2 - The City Council hereby authorizes the Mayor to execute such documents as are necessary to convey its interest in the property to SCLT.

Section 3 - This ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

35 Attest: _____, City Clerk

36
37

38 Filed as Ordinance: _____

39
40

41 Approved as to form: Duke McDonald, Assistant City Attorney

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43

44 Approved for Council Action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO. 2016 - 212

FILED: 08-30-16

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To authorize the mayor, or his designee, to execute necessary documents to convey its interest in real property located at 820 West Brower Street in Springfield, Missouri, to Springfield Community Land Trust (SCLT) at no cost.

BACKGROUND INFORMATION: The City took over title to the property after demolishing a dangerous building located on the property. The City put the property up for public bid three times but received no bids. No City department needs the property and it does not have a public purpose. A real-estate conveyance requires City Council's approval.

SCLT is a local, not-for-profit organization, which is interested in the property for construction of affordable housing for qualified buyers.

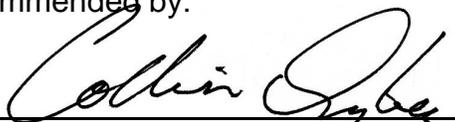
REMARKS: The above council bill originated with the Land Inventory Committee. Under "Administrative Memorandum #5D," the committee has declared the above property to be surplus.

Submitted by:



Duke McDonald, Assistant City Attorney

Recommended by:



Collin Quigley, Assistant City Manager

Approved by:



Greg Burris, City Manager



Exhibit A

City of Springfield, Missouri
820 West Brower Street



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



Printed: Aug 17, 2016

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed 08-30-16

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016 -214

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 APPROVING the transfer of the City's interest in real property located at 1839 North
2 Tyler Avenue to Alice Mcgilvry.
3 _____
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5 WHEREAS, the City demolished dangerous buildings located at 1839 North Tyler
6 Avenue and subsequently acquired title to the property; and
7
8 WHEREAS, said demolition and related costs totalled \$5,599; and
9
10 WHEREAS, the property is within a sink-hole boundary; and
11
12 WHEREAS, the City has put the property out for bid three times and has
13 received no bids; and
14
15 WHEREAS, the loan committee believes the property to be unmarketable due to
16 the sink-hole boundary; and
17
18 WHEREAS, Alice Mcgilvry owns adjacent properties to the north and south of
19 1839 North Tyler Avenue; and
20
21 WHEREAS, Alice Mcgilvry's 1843 North Tyler property sits north of 1839 North
22 Tyler Avenue and shares its sink-hole boundary; and
23
24 WHEREAS, Alice Mcgilvry is willing to accept 1839 North Tyler Avenue if the City
25 quitclaim deeds it to her; and
26
27 WHEREAS, disposition of real property owned by the City calls for City Council
28 approval.
29
30 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
31 SPRINGFIELD, MISSOURI, as follows, that:
32

33 Section 1 - The City Council hereby approves the transfer of its ownership
34 interest in the real estate located at 1839 North Tyler Avenue and further depicted on
35 "Exhibit A" to Alice Mcgilvry.
36

37 Section 2 - The City Council hereby authorizes the Mayor to execute such
38 documents as are necessary to convey its interest in the property to Alice Mcgilvry, with
39 appropriate deed restrictions and reservations.
40

41 Section 3 - This ordinance shall be in full force and effect from and after passage.
42
43
44

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46 Passed at meeting: _____
47

48
49 _____
50 Mayor
51

52 Attest: _____, City Clerk
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55 Filed as Ordinance: _____
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57 Approved as to form: *Duke McDonald*, Assistant City Attorney
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60 Approved for Council Action: *Greg Burt*, City Manager
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EXPLANATION TO COUNCIL BILL NO. 2016 - 214

FILED: 08-30-16

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To authorize the Mayor, or his designee, to execute necessary documents to convey title to 1839 North Tyler Avenue at no cost to Alice Mcgilvry, who owns adjacent properties to the North and South.

BACKGROUND INFORMATION: The City spent \$5,599 demolishing dangerous buildings on the property. The City then acquired the property after the owner's death . After putting it out for public bid three times, the City has received no bids. The property is unmarketable because approximately 1/3 of it is within a sink-hole boundary, as is 1843 North Tyler Avenue, Alice Mcgilvry's property to the North.

No city department needs the property and it does not have a public purpose. However, the City will reserve a drainage easement over the entire property and prohibit any building on it. A real-estate conveyance requires City Council's approval.

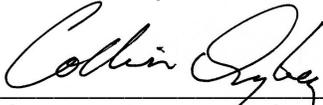
REMARKS: The above council bill originated with the Land Inventory Committee. Under "Administrative Memorandum #5D," the committee has declared the above property to be surplus.

Submitted by:



Duke McDonald, Assistant City Attorney

Recommended by:



Collin Quigley, Assistant City Manager

Approved by:



Greg Burris, City Manager

