



Agenda City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Robert Stephens, Mayor

Zone Councilmembers

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

General Councilmembers

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

Upcoming Council Meeting Agenda January 11, 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. December 14, 2015 And December 22, 2015**

Documents: [12-14-2015.PDF](#), [12-22-15SPECIAL.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.**

Swear in **Deborah Good** to the Springfield-Greene County Environmental Advisory Board.
5. **Council Bill 2016-001. (Hosmer)**

A resolution recognizing the following organization for completing the 50/50 Plus Challenge to become a "Springfield LifeSave" organization: Discovery Center of Springfield, Inc.

Documents: [2016-001.PDF](#)
6. **CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETING.**

7. SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. Except Item No. 8. Public Hearing Held Over. Citizens May Speak To Amendment Only. May Be Voted On.

8. Amended Council Bill 2015-307. (Burnett) Public Hearing Held Over. Citizens May Speak To Amendment Only. May Be Voted On.

A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 3.65 acres of property generally located at 1764 and 1770 South National Avenue and 1251, 1309, 1315 and 1319 East Sunshine Street from an R-SF, Single Family Residential District and GR, General Retail District with Conditional Overlay District No. 6 to a GR, General Retail District with Conditional Overlay District No. 99.

Documents: [2015-307A.MENDED.PDF](#)

9. Council Bill 2015-322. (McClure)

A general ordinance amending the Fee Schedule for certain municipal services as provided in the Springfield City Code by making such adjustments as provided in the attached Evaluation of Charges for Municipal Services, and adopting new fees for certain city services, in order to recover all or part of the cost thereof. (The Finance Committee recommends approval.)

Documents: [2015-322.PDF](#)

10. Council Bill 2015-323. (Fulnecky)

A general ordinance amending the Springfield City Code, Chapter 54, Fire Prevention and Protection, Article II, Fire Prevention Code, Section 54-32, to make certain deletions, amendments and additions to Chapters 1, 3, 6, 9, 10, 31, 56, Appendix B, and Appendix C of the 2012 Edition of the International Fire Code (IFC), based on amendments recommended in the 2015 Edition of the IFC model code; including a savings clause and a severability clause; and establishing an effective date.

Documents: [2015-323.PDF](#)

11. Council Bill 2015-325. (Schilling)

A special ordinance approving a Petition to Amend and Restate the Petition to Establish the Downtown Springfield Community Improvement District (DTCID), and directing the City Clerk to notify the Missouri Department of Economic Development and the Greene County Clerk of the amendments. (Staff and the Downtown Springfield Community Improvement District Board of Directors recommend approval.)

Documents: [2015-325.PDF](#)

12. RESOLUTIONS.

13. EMERGENCY BILLS.

14. PUBLIC IMPROVEMENTS.

15. GRANTS.

16. AMENDED BILLS.

17. COUNCIL BILLS FOR PUBLIC HEARING. Citizens May Speak. Not Anticipated To Be Voted On.

18. Council Bill 2016-002. (Schilling)

A general ordinance amending Section 1-9 of the Springfield City Code, City Limits, by annexing approximately 1.88 acres of private property and 0.27 acres of Greene County right-of-way into the City of Springfield, generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue, generally referenced as Annexation A-8-15; and amending the

Springfield City Code, Chapter 46, Section 46-1, Boundaries of wards, precincts and council zones, by adding this property to the ward and precinct assigned them by the County Clerk.

Documents: [2016-002.PDF](#)

19. Council Bill 2016-003. (Fishel)

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

Documents: [2016-003.PDF](#)

20. Council Bill 2016-004. (Fishel)

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

Documents: [2016-004.PDF](#)

21. Council Bill 2016-005. (Fishel)

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 3.28 acres of property, generally located at 1329 East Lark Street, from a Planned Development No. 84 to a GR, General Retail District, and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: St. Johns Regional Health Center; 1329 E. Lark Street; Z-44-2015.)

Documents: [2016-005.PDF](#)

22. Council Bill 2016-006. (Fishel)

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

Documents: [2016-006.PDF](#)

23. Council Bill 2016-007. (Fishel)

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

Documents: [2016-007.PDF](#)

24. Council Bill 2016-008. (Fishel)

A general ordinance amending the Springfield Land Development Code, Section 36-306,

Zoning Maps, by rezoning approximately 0.88 acres of property, generally located at 216 East Walnut Lawn, from R-TH, Residential Townhouse District to O-1, Office District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Mercy Health Springfield Communities; 216 East Walnut Lawn Street; Z-42-2015.)

Documents: [2016-008.PDF](#)

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

26. **Council Bill 2016-009. (Fulnecky)**

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

Documents: [2016-009.PDF](#)

27. **Council Bill 2016-010. (Ferguson)**

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

Documents: [2016-010.PDF](#)

28. **Council Bill 2016-011. (Hosmer)**

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

Documents: [2016-011.PDF](#)

29. **Council Bill 2016-012. (Fisk)**

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

Documents: [2016-012.PDF](#)

30. **Council Bill 2016-013. (McClure)**

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

Documents: [2016-013.PDF](#)

31. **Council Bill 2016-014. (Fulnecky)**

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

Documents: [2016-014.PDF](#)

32. **Council Bill 2016-015. (Ferguson)**

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

Documents: [2016-015.PDF](#)

33. Council Bill 2016-016. (Ferguson)

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

Documents: [2016-016.PDF](#)

34. Council Bill 2016-017. (Burnett)

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

Documents: [2016-017.PDF](#)

35. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

36. NEW BUSINESS.

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

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

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

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

37. UNFINISHED BUSINESS.

38. MISCELLANEOUS.

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

40. Council Bill 2016-018. (Schilling)

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

Documents: [2016-018.PDF](#)

41. Council Bill 2016-019. (Fulnecky)

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

Documents: [2016-019.PDF](#)

42. Council Bill 2016-020. (McClure)

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

Documents: [2016-020.PDF](#)

43. Council Bill 2016-021. (Burnett)

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

Documents: [2016-021.PDF](#)

44. Council Bill 2016-022. (Fisk)

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

Documents: [2016-022.PDF](#)

45. Council Bill 2016-024. (Burnett)

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with New Prime, Inc. (New Prime) for the purpose of completing Packer Road improvements from the Missouri Department of Transportation's (MoDOT) north property line to Jean Street.

Documents: [2016-024.PDF](#)

46. Council Bill 2016-025. (Schilling)

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

Documents: [2016-025.PDF](#)

47. Council Bill 2016-026. (McClure)

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

Documents: [2016-026.PDF](#)

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

49. **Council Bill 2016-023. (Fisk)**

A special ordinance authorizing the City Manager, or his designee, to accept a grant of \$1,000.00 from the Walmart Foundation to support the Springfield Fire Department's public education and prevention program; amending the 2015-16 budget for the Springfield Fire Department; and declaring an emergency.

Documents: [2016-023.PDF](#)

50. **Council Bill 2016-027. (Ferguson)**

A resolution granting a new liquor license to sell retail liquor by the drink, including Sunday sales, to Goodboys, LLC, dba Druff's, located at 331 Park Central East, Suite 101, Springfield, Missouri.

Documents: [2016-027.PDF](#)

51. **CONSENT AGENDA – SECOND READING BILLS.**

52. **BOARD CONFIRMATIONS.**

Confirm the following appointments to the Board of Public Utilities: Rob Rector, Denise Silvey, and Jeffrey Groves with terms to expire December 1, 2018.

Confirm the following reappointments to the Board of Public Utilities: Teresa Coyan and Ann Marie Baker with terms to expire December 1, 2018.

Confirm the following appointments to the Mayor's Commission for Children: Dr. Laura Waters, Kimberly Shinn-Brown, Bria Coale, and Alexis Brown with terms to expire November 29, 2018.

53. **END OF CONSENT AGENDA.**

54. **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.

December 14, 2015
Springfield, Missouri

The City Council met in regular session December 14, 2015 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: Craig Hosmer, Kristi Fulnecky, Phyllis Ferguson, Mike Schilling, Justin Burnett, Craig Fishel, Ken McClure, Jan Fisk, and Bob Stephens. Absent: None.

Minutes

The minutes of November 23, 2015 were approved as presented.

Consent Agenda

The Consent Agenda was finalized and approved as amended.

Anita Cotter, City Clerk, informed Council she had received a request to remove Council Bill 2015-328 from Consent Agenda One Reading Bills. She noted this item would be moved to Public Improvements.

Councilman Fishel moved to remove Council Bill 2015-307 from the table and add it to the City Council agenda. The motion failed due to lack of a second.

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

CEREMONIAL MATTERS**Added**

Anita Cotter, City Clerk, swore in Matthew Suarez as a member of the Tree City USA Citizen Advisory Committee.

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

Greg Burris, City Manager, responded all questions had been answered. Mr. Burris noted the Springfield Fire Department has received the final results of the community's recent formal Insurance Services Office (ISO) evaluation. He stated Springfield received 86.06 points, out of 100 possible points, and said this is a five point improvement over four years ago. Mr. Burris noted this score allows the City of Springfield to maintain its excellent Class 2 ISO rating. He stated ISO ratings are important because they serve as a community's public protection classification and they impact on insurance ratings.

Mr. Burris noted Police Chief Paul Williams provided the November sworn strength report. He stated the Police Department's authorized strength is 352 officers and there are 291 officers available for duty. Mr. Burris noted the Department has 23 vacant positions; 25 in the academy, lateral or early hire, two on military leave; one is Field Training Officer (FTO) and ten on light duty or injured.

Mr. Burris noted January 23, 2016 is a Community Listen Zone Blitz Event. He stated teams will “pitch” their ideas for projects in Zone 1 as part of the initiative to continue improvements in the City’s northwest quadrant. Mr. Burris noted there are about 266 individuals and 155 organizations participating in this grass roots effort.

Mr. Burris noted more than 10,000 people attended the annual Christmas Parade, organized by the Downtown Springfield Association. Mr. Burris thanked Mayor Stephens and the Departments of Public Works and Public Information for supporting this event.

Mr. Burris noted the 21st Annual Turkey Trot 5K was a huge success. He stated the final registration tally was 7,744 participants, which is up two percent from last year. Mr. Burris note the Park Board’s holiday activities began Thanksgiving weekend and continue in December. He stated Rutledge-Wilson Farm Park’s Candy Cane Lane drive-through light display will remain open Friday and Saturday nights, 5-8 p.m., through December 19, 2015. Mr. Burris noted the Watershed Committee of the Ozarks is collaborating with the Park Board’s Operations personnel to replace wooden decking on the Valley Water Mill Park boardwalk. Portions of the boardwalk are closed as construction takes place.

Mr. Burris noted the second annual State of the Workforce Survey is now open to local businesses throughout the Ozark Region. He stated the results will be presented to the public at the MOMentum luncheon on February 23, 2016 at Bass Pro’s White River Conference Center at Bass. Mr. Burris noted the Missouri Job Center and the local Workforce Investment Board are co-hosting this event and individual tickets are \$30 or a table of eight can be purchased for \$200. He stated nearly 300 local workforce professionals attended last year’s inaugural State of the Workforce Luncheon. The survey is online at springfieldmo.gov/momentum.

Mr. Burris congratulated Chief Paul Williams for being selected Missouri’s Police Chief of the Year. He stated Chief Williams was awarded the Donald "Red" Loehr Outstanding Police Chief of the Year Award by the Missouri Police Chiefs Association December 10, 2015 in Jefferson City. The award "recognizes an outstanding chief for law enforcement experience, organizational affiliations, innovative programs initiated by the police chief, and dedication to service.

Mr. Burris congratulated local comedian Jeff Houghton and his team of comics at The Mystery Hour, for the success of “Instagram Husbands” a parody video that has “gone viral” with more than 3 million viewers. He stated the story has been picked up by the Today Show, People Magazine, and posted by celebrities and journalists around the world.

Councilwoman Fulnecky asked for clarification on removing Council Bill 2015-307 from the table. Mary Lilly Smith, Director of Planning and Development, responded with a brief overview of the motion. She stated the developer has proposed two amendments to the Council Bill. Ms. Smith noted the first amendment places taverns and cocktail lounges on the list of prohibited uses and the second amendment lowers the floor area ratio from 0.38 to 0.20. She stated reducing the floor area ratio reduces the square footage that can be built on the property from approximately 60,000 square feet to 31,000 square feet thereby impacting the traffic generation as well.

Councilwoman Fulnecky moved to reconsider the previous motion to remove Council Bill 2015-307 from the table and add it to the City Council agenda. Councilman Burnett seconded the motion and it was approved by the following vote: Ayes: Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, and Stephens. Nays: None. Absent: None. Abstain: None.

Mayor Pro Tem McClure raised a point of order noting this motion is to reconsider the previous motion and not to approve removing the bill from the table.

Councilman Fishel moved to remove Council Bill 2015-307 from the table and add it to the City Council agenda. Councilman Burnett seconded the motion and it was approved by the following vote: Ayes: Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, and Stephens. Nays: Hosmer. Absent: None. Abstain: None.

Anita Cotter, City Clerk, noted Council Bill 2015-307 will be added to the agenda as item 9.5 under Second Reading Bills.

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

**Vacating a portion of
Prairie Lane**

Sponsor: Fishel. Council Bill 2015-304. A special ordinance vacating a portion of Prairie Lane, generally located at the northwest corner of the intersection of Prairie Lane and 1983 East Seminole Street, as described on Exhibit "B." (Planning and Zoning Commission recommends approval and staff recommends approval.)

Council Bill 2015-304. Special Ordinance 26669 was approved by the following vote: Ayes: Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, and Stephens. Nays: Hosmer. Absent: None. Abstain: None.

**Rezoning: 6000 Block
of South Southwood
Avenue**

Sponsor: Fishel. Council Bill 2015-305. A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 5 acres of property, generally located in the 6000 block of South Southwood Avenue from a Greene County R-1, Suburban Residence District to a City R-SF, Single Family Residential District. (By: City of Springfield for Mercy Hospital; 6000 Block of South Southwood Avenue; Z-29-2015.)

Council Bill 2015-305. General Ordinance 6243 was approved by the following vote: Ayes: Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, and Stephens. Nays: None. Absent: None. Abstain: None.

**Rezoning: 2340 North
Fort Avenue**

Sponsor: Ferguson. Council Bill 2015-306. A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 0.22 acres of property, generally located at 2340 North Fort Avenue, from an R-SF, Single Family Residential District to an HC, Highway Commercial District with Conditions. (Staff and Planning and Zoning Commission recommend approval.) (By: Barrett Fisk Investments, LLC; 2340 N. Fort Avenue; Z-36-2015.)

Councilwoman Fisk stated she would be recusing herself from this discussion due to a potential conflict of interest. She exited chambers at 6:49 p.m.

Anita Cotter, City Clerk, announced a protest petition was received and a supplemental explanation was presented to Council Members. She stated the petition was found to be insufficient at 6.02%. Therefore, it requires a simple majority for passage.

Councilwoman Fulnecky asked for clarification on the protest petition. Ms. Cotter responded the petition does not provide reasons for the protest. Mary Lilly Smith, Director of Planning and Development, responded state law provides if property owners representing 30 percent of property located within 185 feet of the zoning case sign a petition, then a super majority of Council is required to pass the bill. She stated property owners are not required to offer an explanation as to why they oppose rezoning.

Councilwoman Ferguson noted this property is within her neighborhood. She stated the neighborhood does not have a problem with this rezoning case and she will vote in favor of this bill.

Councilwoman Fulnecky asked for clarification on the fence and bufferyard requirements. Ms. Smith provided a brief overview of the requirements and stated staff has reviewed a citizen's proposal for upgrading the fence and bufferyard requirements, but does not support these upgrades.

Council Bill 2015-306. General Ordinance 6244 was approved by the following vote: Ayes: Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Councilwoman Fisk re-entered chambers at 6:55 p.m.

**Rezoning: 1764 and
1770 South National
Avenue and 1251, 1309,
1315 and 1319 East
Sunshine Street**

Sponsor: Burnett. Council Bill 2015-307. A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 3.65 acres of property generally located at 1764 and 1770 South National Avenue and 1251, 1309, 1315 and 1319 East Sunshine Street from an R-SF, Single Family Residential District and GR, General Retail District with Conditional Overlay District No. 6 to a GR, General Retail District with Conditional Overlay District No. 99. (By: Sunshine and National Real Estate LLC; 1764 and 1770 South National Avenue and 1251, 1309, 1315 and 1319 East Sunshine Street; Z-33-2015 & Conditional Overlay District No. 99.)

Councilman Fishel moved to amend Council Bill 2015-307 by adding to the list of prohibited uses Taverns and Cocktail Lounges, and reducing the floor area ratio to 0.2 from 0.38 and to direct staff to do all things necessary to reflect these proposed amendments to the bill. Councilman Burnett seconded the motion and it was discussed.

Mayor Pro Tem McClure asked for clarification on the other prohibited uses. Mary Lilly Smith, Director of Planning and Development, responded there are 27 prohibited uses and gave a brief overview of those.

Councilman Hosmer asked if drive-in/drive-through restaurants are permitted. Ms. Smith responded in the affirmative. Mr. Hosmer asked for clarification on the traffic study. Dan Smith, Director of Public Works, responded a traffic study

has not been completed. He stated the memo provided to Council answers previous questions regarding the consideration of residential streets. Mr. Smith noted a traffic study looks at arterial streets and will not consider residential streets. He stated traffic engineers have reviewed the proposed and do not believe it will impact emergency traffic at Mercy Hospital.

Councilwoman Fulnecky asked for clarification on traffic study recommendations being mandatory. Mr. Smith responded all recommendations are considered mandatory.

The motion to amend Council Bill 2015-307 was approved by the following vote: Ayes: Hosmer, Fulnecky, Ferguson, Burnett, Fishel, McClure, Fisk, and Stephens. Nays: Schilling. Absent: None. Abstain: None.

An opportunity was given for citizens to express their views.

Mayor Stephens announced the public hearing is opened for comments on the proposed amendment and not on the bill itself.

Jim Doran spoke in opposition of the proposed amendment. He expressed his opinion current zoning is proper and should not be replaced.

Jared Rasmussen, developer's representative, spoke in support of the proposed. He gave a brief overview of the amendments. Mr. Rasmussen stated the developer is not asking for authorization to increase traffic above the current authorized level.

With no further appearances, the public hearing was held over until January 11, 2016.

**1/8 Cent
Transportation Sales
Tax**

Sponsor: Fishel. Council Bill 2015-308. A special ordinance calling an election on April 5, 2016, in the City of Springfield, Missouri, to submit to the qualified voters a question as to whether or not to continue a one-eighth of one percent transportation sales tax on retail sales within the City of Springfield, Missouri, for high-priority transportation improvements; providing for a sunset on the tax at the end of four years; and declaring an emergency.

Mayor Stephens noted this tax has been approved by the voters numerous times and is used to build, improve, and repair infrastructure in the City. He stated he will vote in favor of the proposed.

Council Bill 2015-308. Special Ordinance 26670 was approved by the following vote: Ayes: Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, and Stephens. Nays: None. Absent: None. Abstain: None.

**1/4 Cent Capital
Improvements Sales
Tax**

Sponsor: Fulnecky. Council Bill 2015-309. A special ordinance calling an election on Tuesday, April 5, 2016, in the City of Springfield, Missouri, to submit to the qualified voters a question as to whether or not to continue the one-fourth of one percent Capital Improvements Sales Tax; providing for a sunset on the tax at the end of three years; and declaring an emergency.

Councilwoman Ferguson stated she supports the proposed. She expressed her

opinion this tax will provide needed improvements throughout the City.

Council Bill 2015-309. Special Ordinance 26671 was approved by the following vote: Ayes: Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, and Stephens. Nays: None. Absent: None. Abstain: None.

Limited Tethering of Dogs

Sponsor: Hosmer. Council Bill 2015-310. A general ordinance amending the Springfield City Code, Chapter 18, Animals, Article I, In General, Section 18-1, Definitions, to add new definitions; and amending Chapter 18, Animals, Article II, Dogs, Cats, and Ferrets, by adding a new section 18-60 related to the limited tethering of dogs.

Councilwoman Fulnecky expressed her appreciation to the Animal Issues Task Force and the Springfield-Greene County Health Department for their work on the proposed.

Council Bill 2015-310. General Ordinance 6245 was approved by the following vote: Ayes: Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, and Stephens. Nays: None. Absent: None. Abstain: None.

The following bills appeared on the agenda under Resolutions:

Extending the existing administrative delay on implementing Springfield City Code Section 2-504(b)(14)

Sponsor: Fisk. Council Bill 2015-319. A resolution extending the existing administrative delay on implementing Springfield City Code Section 2-504(b)(14), adopted by City Council in Resolution No. 10219 until June 30, 2016, to incorporate input and present a report to City Council upon appropriate levels of required insurance coverage for events that take place on City property.

Cora Scott, Director of Public Information and Civic Engagement, gave a brief overview of the proposed. She stated the proposed expands the requirements for insurance and staff is working with stakeholder groups to develop the appropriate options for Council to consider.

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

Council Bill 2015-319. Resolution 10251 was approved by the following vote: Ayes: Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, and Stephens. Nays: None. Absent: None. Abstain: None.

Council Bill 2015-320 and Council Bill 2015-321 were read and discussed simultaneously.

Qualifications of a Member of the City Council

Sponsors: Fishel, Ferguson, McClure, Schilling & Fisk. Council Bill 2015-320. A resolution for determination of the qualifications of a Member of the City Council, and repealing any conflicting actions.

Mayor Stephens provided an explanation of the proposed resolutions.

An opportunity was given for citizens to express their views.

Dee Wampler, attorney representing Councilwoman Fulnecky, spoke in

opposition of the proposed Resolutions. He expressed his opinion the proposed Resolutions are not in the City's best interest and urged Council to vote against them.

Lucinda Dennis spoke in opposition to the proposed Resolutions. She expressed her opinion Councilwoman Fulnecky is needed on City Council.

Joe Passanise, attorney representing Councilwoman Fulnecky, spoke in opposition of the proposed Resolutions. He stated there is confusion between the words "tax" and "fee" and expressed his opinion the proposed Resolutions should be tabled until this matter can be reviewed further.

Stephanie Montgomery expressed her desire that Council resolve this matter as quickly as possible and return to focusing on issues that matter, such as jobs and economic development.

Tim Havens spoke in opposition of the proposed. He expressed his opinion Council should drop this matter and focus on other issues.

With no further appearances, the public hearing was closed.

Councilwoman Fulnecky gave an overview of the issues surrounding the proposed Resolutions.

Council Bill 2015-320. Resolution 10252 was approved by the following vote: Ayes: Ferguson, Schilling, Fishel, McClure, Fisk, and Stephens. Nays: Hosmer, Fulnecky, and Burnett. Absent: None. Abstain: None.

**Confirming the
appointment of Hon.
John C. Holstein as a
Hearing Examiner**

Council Bill 2015-321. (Fishel, Ferguson, McClure, Schilling & Fisk)
A resolution confirming the appointment of Hon. John C. Holstein as a Hearing Examiner for certain matters pursuant to Section 2-60(o)(1) of the Code of the City of Springfield; and Referring certain matters to the said Hearing Examiner.

Council Bill 2015-321. Resolution 10253 was approved by the following vote: Ayes: Ferguson, Schilling, Fishel, McClure, Fisk, and Stephens. Nays: Hosmer, Fulnecky, and Burnett. Absent: None. Abstain: None.

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

**Construction of
sanitary sewers in
Sanitary Sewer District
No. 183 of Section No.
16**

Sponsor: Ferguson. Council Bill 2015-328. A special ordinance accepting the bid of Hamilton & Dad, Inc., in the amount of \$611,994.18 for the construction of sanitary sewers in Sanitary Sewer District No. 183 of Section No. 16, located in the vicinity of Grand Street and West Bypass and 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.

An opportunity was given for citizens to express their views.

Tim Havens spoke in opposition to the proposed. He expressed his opinion that these bids should be scrutinized and the interest rates on bonds should be clearly stated.

Mary Mannix Decker, Director of Finance, stated she will provide Council with the interest rates on these bonds. Councilwoman Ferguson asked Ms. Decker to provide that information to Mr. Havens as well.

With no further appearances, the discussion was closed.

GRANTS

AMENDED BILLS

COUNCIL BILLS FOR PUBLIC HEARING:

Amending the Fee Schedule for certain Municipal Services

Sponsor: McClure. Council Bill 2015-322. A general ordinance amending the Fee Schedule for certain municipal services as provided in the Springfield City Code by making such adjustments as provided in the attached Evaluation of Charges for Municipal Services, and adopting new fees for certain city services, in order to recover all or part of the cost thereof. (The Finance Committee recommends approval.)

Mary Mannix Decker, Director of Finance, gave a brief overview of the proposed. She stated the proposed is an annual review of the City's fees and charges to determine actual costs in order to recommend adjustments and set a reasonable level of cost recovery. Ms. Decker noted charges for municipal services are set by law at a level which cannot exceed the cost of providing the services. She stated staff reviewed 241 fees in 2015. Ms. Decker noted staff has added 18 new fees to the study this year and are recommending 47 to be held constant, 47 to be reduced, and the remaining 137 fees increased.

Councilman Fishel expressed his appreciation to Ms. Decker for her work on the fee study.

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

Amending the Springfield City Code, Chapter 54, Fire Prevention and Protection

Sponsor: Fulnecky. A general ordinance amending the Springfield City Code, Chapter 54, Fire Prevention and Protection, Article II, Fire Prevention Code, Section 54-32, to make certain deletions, amendments and additions to Chapters 1, 3, 6, 9, 10, 31, 56, Appendix B, and Appendix C of the 2012 Edition of the International Fire Code (IFC), based on amendments recommended in the 2015 Edition of the IFC model code; including a savings clause and a severability clause; and establishing an effective date.

Fire Chief David Hall, Springfield Fire Department, gave a brief overview of the proposed. He stated the intent is to take requirements that may already exist in

the building code, clarify them, and add them to the City's adopted Fire Code.

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

Appropriating the Surplus Fund Balance

Sponsor: McClure. Council Bill 2015-324. A special ordinance amending the General Fund budget of the City of Springfield, Missouri, for Fiscal Year 2015-2016, by appropriating the surplus fund balance and increasing expenses in the amount of \$4,463,570.

Councilwoman Ferguson moved to amend Council Bill 2015-324, Exhibit B, by (1) Reducing the "Fire Apparatus set-aside line item by \$50,000; (2) Reducing the "Environmental Liability" line item by \$50,000; (3) Reducing the "Founder's Park Renovation" line item by \$25,000; and (4) Adding a "Kearney Street Economic Development Study" line item for \$125,000.

Councilwoman Ferguson provided an overview of the proposed motion. She stated her intent is to look at options to revitalize Zone 1 and parts of Zone 2, to economically develop, redevelop, and kick start growth along Kearney Street.

Councilman Burnett seconded the motion and it was approved by the following vote: Ayes: Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, and Stephens. Nays: None. Absent: None. Abstain: None.

Councilman Hosmer moved to amend Council Bill 2015-324, Exhibit B, by taking the remaining \$475,000 from the "Founder's Park Renovation" line item and re-appropriating that amount to the Springfield Police Department to be used to hire additional police officers.

Mr. Hosmer noted after three years on City Council, he has been told numerous times that money will be made available to hire additional officers. He stated the Department is down 60 officers below where national standards say the City should be. Mr. Hosmer expressed his opinion this money should be prioritized to provide funding for additional police officers.

Councilwoman Fulnecky expressed her opinion the Police Department needs additional officers.

Councilman Fishel asked for clarification on what the money will be used for at Founder's Park. Greg Burris, City Manager, responded a series of renovations are required for safety and infrastructure upgrades. Mr. Burris noted a difference between ongoing and one-time money. He stated surplus funds are one-time dollars and urged Council Members to consider that prior to appropriating money for ongoing expenditures.

Councilman Burnett expressed his support for using this money to hire additional police officers.

Mayor Pro Tem McClure moved to table Council Bill 2015-324 with instruction to the City Manager to arrange a Council Luncheon to discuss this and provide a proposal at that point. Councilman Fishel seconded the motion and it was discussed.

Councilwoman Ferguson asked for clarification on how quickly this could be scheduled and discussed. Mr. Burris stated holiday calendars will need to be coordinated. Ms. Ferguson asked if this could be scheduled before the next City Council meeting. Mr. Burris stated he will work with the City Clerk to schedule a Council Lunch to discuss surplus funds.

Councilman Fishel expressed his desire to have a Council Luncheon to discuss the proposed in more detail.

Councilman Schilling expressed his desire to have a Council Luncheon to discuss the proposed in more detail.

Councilwoman Fulnecky expressed her opinion City Council should be more involved in setting priorities for surplus funds.

Mayor Stephens noted the Springfield Police Chief and Greene County Sheriff have both stated the problem is not a lack of officers; it is getting offenders through the system. Mayor Stephens stated he does not support using one-time money to hire personnel.

The motion to table Council Bill 2015-324 with instruction to the City Manager was approved by the following vote: Ayes: Ferguson, Fishel, McClure, Fisk, and Stephens. Nays: Hosmer, Fulnecky, Schilling, and Burnett, Absent: None. Abstain: None.

Petition to Amend and Restate the Petition to Establish the Downtown Springfield Community Improvement District (DTCID)

Sponsor: Schilling. Council Bill 2015-325. A special ordinance approving a Petition to Amend and Restate the Petition to Establish the Downtown Springfield Community Improvement District (DTCID), and directing the City Clerk to notify the Missouri Department of Economic Development and the Greene County Clerk of the amendments. (Staff and the Downtown Springfield Community Improvement District Board of Directors recommend approval).

Mary Lilly Smith, Director, Director of Planning and Development, provided a history of the creation of the Downtown Community Improvement District (CID) and the benefits provided by the Downtown CID. She noted the current Downtown CID is scheduled to expire December 31, 2016 and the proposed would amend and restate the Downtown CID. Ms. Smith discussed the changes to the current boundaries, the amount of sales tax, the process of voter approval and the anticipated services provided to the property owners in the proposed area. Ms. Smith discussed the process of filing the petition to establish a CID in compliance with State law.

Councilwoman Fulnecky asked for clarification of the process of collecting taxes from those property owners not engaged in retail sales. Ms. Smith discussed the collection of both sales tax and a special assessment that is based on the assessed value of the property in the district. She added several not-for-profit entities reside in the district and can voluntarily contribute to the CID. She noted the City of Springfield holds property in the district and does voluntarily pay into the CID with the exception of a time during the recession when payments were not paid into the district.

Mayor Pro Tem Ken McClure expressed his support for the Downtown CID and the positive impact it has had on the area. Mr. McClure asked for clarification of any precedent of expansion of the boundaries of a CID after being established. Ms. Smith noted she does not believe an expansion request had occurred.

Councilman Mike Schilling asked for clarification of the current assessment. Ms. Smith responded the assessment had been at the current level since 1999. An opportunity was given for citizens to express their views.

Rusty Worley spoke in support of the proposed. He expressed his belief the Downtown CID has been beneficial to Downtown Springfield. He briefly discussed the history of the current CID and the anticipated benefits of the proposed. He discussed the process that was utilized in providing the proposed petition.

Geoffrey Butler spoke in opposition of the proposed. Mr. Butler noted his property is located in the area of expansion in the proposed. Mr. Butler noted the cost assessed to his property would not provide any additional benefit to him. Mr. Butler also noted he had not been adequately notified the expansion was being considered. He added his property would not be allowed to opt-out of contributing to the CID in the same manner that his not-for-profit neighbors can. Mr. Butler also expressed his belief the location of his property is not appropriate for inclusion in the proposed. Mr. Butler expressed his belief the proposed should be tabled until the issues he has discussed can be investigated.

Councilman Fishel asked for clarification of the location of Mr. Butler's property. Ms. Smith provided the location. Mr. Fishel asked for clarification on how the expansion boundary was determined. Ms. Smith provided an overview of the process. She stated properties within the proposed are considered part of Downtown and services will be provided to these properties.

Councilwoman Fisk asked for clarification on who owns the property to the west of Mr. Butler. Mr. Butler responded Burlington Northern owns property to the south and west of his property.

Jim Schmidt spoke in support of the proposed. He expressed his opinion the proposed will have a positive impact on the economic growth of the Downtown area.

Chris Ball spoke in favor of the proposed. He gave an overview of the CID petition process.

Councilwoman Ferguson asked for clarification on security services provided. Mr. Ball responded the CID provides funding to hire off-duty police officers to patrol the Downtown area. Ms. Ferguson asked if the off-duty officers are hired only for special events. Mr. Ball responded in the negative.

Councilman Schilling asked for clarification on the security services budget increases. Mr. Ball gave an overview of the budget plans. He stated the CID is advocating an increase use of security cameras.

Councilwoman Fisk asked for clarification on how the boundary was developed

to the northeast. Mr. Ball stated the CID sees the Boonville-Chestnut intersection as the gateway to Downtown.

Brian Kincaid, representing Missouri State University, spoke in support of the proposed. He expressed his opinion the proposed is necessary for continued economic investment in the Downtown area.

Bruce Adib-yazdi spoke in support of the proposed. He stated the CID has had a positive impact on the growth of Downtown.

Councilwoman Fisk asked for clarification on why the Post Office was excluded. Ms. Smith replied the emphasis was placed on the Boonville-Chestnut gateway.

Laura Head spoke in support of the proposed. She expressed her opinion the Downtown CID is essential for continued Downtown economic development.

Jeff Schrag spoke in support of the proposed. He urged Council to support the proposed.

Hallie Sale, representing Systematic Savings Bank, spoke in support of the proposed. She expressed her opinion the proposed is essential to providing a safe, clean, and secure Downtown.

Craig Wagoner spoke in support of the proposed. He expressed his opinion the proposed will provide necessary services and will have a positive impact on the growth of Downtown.

Jim Lohmeyer spoke in support of the proposed. He stated the Downtown CID was instrumental in drawing his business to Downtown, and urged Council to support the proposed.

Mayor Stephens asked Anita Cotter, City Clerk, if there were any additional speakers. Ms. Cotter responded in the affirmative and noted the additional speaker signed up after the required deadline and advised a motion to suspend the rules would be required to allow the speaker to address Council.

Councilman Burnett moved to suspend the rules to allow the additional speaker to address Council. Mayor Pro Tem McClure seconded the motion and it was approved by the following vote: Ayes: Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, and Stephens. Nays: None. Absent: None. Abstain: None.

Windsor Warren spoke in opposition to the proposed.

With no further appearances, the public hearing was closed.

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

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

Did Not Appear

Mr. Robert A. Mondy wishes to address City Council.

The following appeared on the agenda under New Business:

UNFINISHED BUSINESS

MISCELLANEOUS

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

Salary Ordinance

Sponsor: Fisk. Council Bill 2015-311. A general ordinance amending Chapter 2, Section 2-92 of the Springfield City Code, known as the Salary Ordinance, relating to the salary rate and pay grade for various job titles within the Park Ranger Division of the Springfield-Greene County Parks Department (Parks Department), as contained in the Professional, Administrative and Technical (PAT) salary schedules, by adding one new job title, Park Ranger Shift Supervisor (PAT 8); and reclassifying the job title of Park Ranger Supervisor (PAT 8), which will result in the addition of one new job title, Park Ranger Administrator (PAT 10), and the deletion of one job title, Park Ranger Supervisor (PAT 8).

**School Sidewalk
Project 15B, Plan No.
2015PW0028T**

Sponsor: Ferguson. Council Bill 2015-312. A special ordinance approving the plans and specifications for the School Sidewalk Project 15B, Plan No. 2015PW0028T; accepting the bid of Hunter Chase & Associates for that project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

**Disposal of Land, 5400-
5500 Block of East
Farm Road 112,**

Sponsor: Burnett. Council Bill 2015-313. A special ordinance authorizing the disposal of approximately 7.351 acres of land, located north of the 5400-5500 block of East Farm Road 112, to accommodate the development of a regional detention basin, and authorizing the Mayor to convey said property on behalf of the City of Springfield d/b/a the Board of Public Utilities. (Staff and Planning and Zoning Commission recommend approval.

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

**Joint Sanitary Sewer
District No. 171 of
Section No. 11**

Sponsor: Schilling. Council Bill 2015-326. A special ordinance to establish and define the boundaries and adopt the plat, plans, specifications, and sealed estimate of construction costs, and authorize acquisition of necessary right(s)-of-way, including condemnation thereof, for Joint Sanitary Sewer District No. 171 of Section No. 11 of the main sewers of the City of Springfield, Missouri, located in the general vicinity of the west 3200 block of Sunshine Street and the south 1900 block of Moore Road; renaming the sewer district established and defined by Special Ordinance No. 26522 to District No. 171A of Section No. 11; further providing that all labor shall be paid the prevailing wages; providing for participation by the City in the cost of construction; directing the City Manager, or his designee, to advertise for bids for the construction of said sewers; and providing for payment thereof.

**Association of Food
and Drug Officials
(AFDO)**

Sponsor: Hosmer. Council Bill 2015-327. A special ordinance authorizing the City Manager, or his designee, to apply for and accept a grant renewal from the Association of Food and Drug Officials (AFDO), federally funded by the United States Food and Drug Administration Grant, to support activities of improving

Standard 9/Risk Factor Study in the food inspection and compliance program; and amending the budget of the Springfield-Greene County Health Department (SGCHD) for Fiscal Year 2015-2016 in the amount of \$20,000.00 to appropriate the grant funds.

Environmental Workforce Development and Job Training Grant Application

Sponsor: Burnett. Council Bill 2015-329. A resolution authorizing the City Manager, or his designee, to submit an Environmental Workforce Development and Job Training Grant Application for a grant in the amount of \$200,000 to the United States Environmental Protection Agency (EPA) for the purpose of creating training programs that recruit, train, and place local, unemployed and under-employed residents with the skills needed to secure full-time employment in the environmental field.

Commercial Street Phase 5 Streetscape Project (STP-5903(802))

Sponsor: Fishel. Council Bill 2015-330. A special ordinance authorizing the City Manager, or his designee, to enter into a supplemental agreement with Missouri Highways and Transportation Commission (MHTC) to use federal transportation enhancement grant funds and federal Surface Transportation Program (STP) funds for the purpose of funding the construction of streetscape improvements on the Commercial Street Phase 5 Streetscape Project (STP-5903(802)); and amending the budget of the Department of Public Works for Fiscal Year 2015-2016, in the amount of \$360,000 to appropriate the federal grant funds for this project.

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

Salary Ordinance

Sponsor: Fisk. Council Bill 2015-311. A general ordinance amending Chapter 2, Section 2-92 of the Springfield City Code, known as the Salary Ordinance, relating to the salary rate and pay grade for various job titles within the Park Ranger Division of the Springfield-Greene County Parks Department (Parks Department), as contained in the Professional, Administrative and Technical (PAT) salary schedules, by adding one new job title, Park Ranger Shift Supervisor (PAT 8); and reclassifying the job title of Park Ranger Supervisor (PAT 8), which will result in the addition of one new job title, Park Ranger Administrator (PAT 10), and the deletion of one job title, Park Ranger Supervisor (PAT 8).

School Sidewalk Project 15B, Plan No. 2015PW0028T

Sponsor: Ferguson. Council Bill 2015-312. A special ordinance approving the plans and specifications for the School Sidewalk Project 15B, Plan No. 2015PW0028T; accepting the bid of Hunter Chase & Associates for that project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Disposal of Land, 5400-5500 Block of East Farm Road 112,

Sponsor: Burnett. Council Bill 2015-313. A special ordinance authorizing the disposal of approximately 7.351 acres of land, located north of the 5400-5500 block of East Farm Road 112, to accommodate the development of a regional detention basin, and authorizing the Mayor to convey said property on behalf of the City of Springfield d/b/a the Board of Public Utilities. (Staff and Planning and Zoning Commission recommend approval.

Confirmed

Confirm the following reappointments to the Mayor's Commission for Children: Gerry Lee; Dr. Elizabeth Andrews; Brigitte Marrs; and Linda RameyGriewe with terms to expire November 29, 2018.

- Confirmed** Confirm the following reappointments to the Springfield Convention and Visitors Bureau, Inc.: Phillip Burgess; Brad Danzak; and John Acosta with terms to expire January 1, 2019.
- Confirmed** Confirm the following reappointment to the Building Trades Examination and Certification Board: Shannon Lee with term to expire October 1, 2018.
- Confirmed** Confirm the following appointment to the Citizens Advisory Committee for Community Development: Angela Dowler Pryor with term to expire May 1, 2018.
- Confirmed** Confirm the following reappointments to the Springfield-Greene County Environmental Advisory Board: Deborah Good and Randall Willoughby with terms to expire October 1, 2018.
- Confirmed** Confirm the following appointment to the Police Officers' and Fire Fighters' Retirement System Board of Trustees: Justin Milam with term to expire April 20, 2016.
- Confirmed** Confirm the following reappointments to the Public Building Corporation: Raymond Eddings and Derek Fraley with terms to expire September 1, 2021.
- Adjourn** With no further business to come before Council, the meeting adjourned at approximately 9:10 p.m.

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by Tom Smith
Assistant City Clerk

December 22, 2015
Springfield, Missouri

Following the City Council Lunch, the City Council met in special session on December 22, 2015 in the 4th Floor Conference Room in the Busch Municipal Building at 1:10 p.m. The meeting was called to order by Mayor Bob Stephens.

Roll Call

Present: Mike Schilling, Justin Burnett, Craig Fishel, Ken McClure, Jan Fisk, Craig Hosmer, Kristi Fulnecky (teleconference call), and Bob Stephens. Absent: Phyllis Ferguson.

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

**Sanitary Sewer
District No. 183 of
Section No. 16**

Sponsor: Ferguson. Council Bill 2015-328. A special ordinance accepting the bid of Hamilton & Dad, Inc., in the amount of \$611,994.18 for the construction of sanitary sewers in Sanitary Sewer District No. 183 of Section No. 16, located in the vicinity of Grand Street and West Bypass and 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.

Greg Burris, City Manager, noted that the proposed was removed from the consent agenda and placed under public improvements at the December 14, 2015 meeting; however, the proposed was not voted on.

Council Bill 2015-328. Special Ordinance 26677 was approved by the following vote: Ayes: Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, and Stephens. Nays: None. Absent: Ferguson. Abstain: None.

Clerk's Note: Kristi Fulnecky attended via teleconference call. She was unable to vote during the special session.

The following appeared on the agenda under New Business:

Recommended

The Committee of the Whole recommends the following appointments to the Board of Public Utilities: Rob Rector, Denise Silvey, and Jeffrey Groves with terms to expire December 1, 2018.

Recommended

The Mayor recommends the following appointments to the Mayor's Commission for Children: Dr. Laura Waters, Kimberly Shinn-Brown, Bria Coale, and Alexis Brown with terms to expire November 29, 2018.

Adjourn

With no further business to come before Council, the meeting adjourned to Closed Session at approximately 1:14 p.m.

Anita J. Cotter, CMC/MRCC
City Clerk

One-rdg. X
P. Hrngs.
Pgs. 3
Filed:

Sponsored by: Hosmer

COUNCIL BILL NO. 2016- 001

RESOLUTION NO.

A RESOLUTION

RECOGNIZING the following organization for completing the 50/50 Plus Challenge to become a “Springfield LifeSave” organization: Discovery Center of Springfield, Inc.

1 WHEREAS, each year over 350,000 cardiac arrests occur outside a hospital,
2 which can be deadly; however when CPR and defibrillation by an Automated External
3 Defibrillator (AED) is administered immediately, cardiac arrest is reversible in most
4 cases; and

5
6 WHEREAS, without CPR and defibrillation, the chance for survival decreases by
7 10% each minute; and

8
9 WHEREAS, on March 25, 2014, “Springfield LifeSave”, was established to
10 reduce the number of deaths caused by sudden cardiac arrest in our community; and

11
12 WHEREAS, the goal of “Springfield LifeSave” is to train 45,000 people in
13 compression-only CPR, double the number of AEDs in the community, and have 100
14 businesses and organizations commit to the “50/50 Challenge” by agreeing to certify
15 50% of the workforce or 50 employees in CPR; and

16
17 WHEREAS, organizations who purchase an AED in addition to having
18 employees certified in CPR will be designated as “Springfield LifeSave Plus”
19 organizations; and

20
21 WHEREAS, Discovery Center of Springfield, Inc., has completed the 50/50
22 Challenge and achieved the designation of “Springfield LifeSave.”

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 hereby recognizes Discovery Center of Springfield,
28 Inc., as a “Springfield LifeSave” organization, and for making a commitment to the
29 safety of our community by taking steps to make Springfield the safest city for surviving
30 sudden cardiac arrest.

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Section 2 – This resolution shall be in effect immediately upon adoption.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: *Marianne Gander Berkey*, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL NO: 2016- 001

FILED: 01-05-16

ORIGINATING DEPARTMENT: Fire

PURPOSE: To recognize Discovery Center of Springfield, Inc., for completing the 50/50 Challenge to become a “Springfield LifeSave” organization.

BACKGROUND INFORMATION: Each year, over 350,000 cardiac arrests occur outside the hospital. When this occurs, it can be deadly. However, when CPR and defibrillation by an Automated External Defibrillator (AED) is administered immediately, cardiac arrest is reversible in most cases. Unfortunately, without CPR and defibrillation, the chance of survival decreases by 10% each minute.

To combat this problem, Springfield City leaders joined members of the American Heart Association, American Red Cross, Cox Health, Mercy, Ozarks Technical Community College, and the Springfield Fire Department to unveil a new initiative called, “Springfield LifeSave”. The purpose of this initiative is to reduce the number of deaths caused by sudden cardiac arrest in our community.

The goals of the “Springfield LifeSave” initiative are to train 45,000 people in compression-only CPR, double the number of AEDs in the community, and have 100 businesses and organizations commit to the “50/50 Challenge.” Those who take the “50/50 challenge” and commit to certifying 50% of the workforce or 50 employees will be designated as a “Springfield LifeSave” organization. Those who purchase an AED in addition to getting their employees certified in CPR will be designated as a “Springfield LifeSave Plus” organization.

The resolution is to formally recognize Discovery Center of Springfield, Inc., for making a commitment to the safety of our community by taking steps to make Springfield the safest city for surviving sudden cardiac arrest.

Submitted by:
Cara Erwin, Fire and Life Safety Educator

Recommended by:



David Hall, Fire Chief

Approved by:



Greg Burris, City Manager

One-rdg. _____
P. Hrngs. X
Pgs. 28
Filed: 11-17-15

Sponsored by: Burnett

First Reading: _____

Second Reading: _____

AMENDED
COUNCIL BILL NO. 2015- 307

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 1-1600, Zoning Maps,
2 by rezoning approximately 3.65 acres of property generally located at
3 1764 and 1770 South National Avenue and 1251, 1309, 1315 and 1319
4 East Sunshine Street from an R-SF, Single Family Residential District and
5 GR, General Retail District with Conditional Overlay District No. 6 to a GR,
6 General Retail District with Conditional Overlay District No. 99.

7 _____

8
9 WHEREAS, an application has been filed for a zoning change of the property
10 described on "Exhibit B" of this Ordinance, generally located at 1764 and 1770 South
11 National Avenue and 1251, 1309, 1315, and 1319 East Sunshine Street from an R-SF,
12 Single Family Residential District and GR, General Retail District with Conditional
13 Overlay District No. 6 to a GR, General Retail District with Conditional Overlay District
14 No. 99; and

15
16 WHEREAS, the owners of all property to be rezoned have petitioned for creation
17 of a Conditional Overlay District in accordance with the provisions of Section 4-2700 of
18 Article I of the Land Development Code (Zoning Ordinance); and

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

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

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

30
31 Section 1 – The property described on "Exhibit B" of this Ordinance be, and the
32 same hereby is, rezoned from R-SF, Single Family Residential District and GR, General
33 Retail District with conditional Overlay District No.6, to GR, General Retail District; and

34 Conditional Overlay District No. 99 is established; and the Springfield Land
35 Development Code, Section 1-1600 thereof, Zoning Maps, is hereby amended,
36 changed and modified accordingly.

37
38 Section 2 – The property described by "Exhibit B" of this ordinance will be subject
39 to Conditional Overlay District No. 99, which is attached hereto as "Exhibit C" and
40 incorporated herein as if copied verbatim, and the requirements of GR, General Retail
41 District zoning will be modified by said Conditional Overlay District for development
42 within this property.

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

49
50 Section 4 – City Council hereby directs the City Manager, or his designee, to
51 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
52 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
53 for in the Springfield Land Development Code, Section 1-600, Official Zoning Map and
54 Rules of Interpretation.

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

58
59 Passed at meeting: _____

60
61
62 _____
63 Mayor

64 Attest: _____, City Clerk

65
66 Filed as Ordinance: _____

67
68 Approved as to form: , Assistant City Attorney

69
70 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL NO: 2015- 307

FILED: 11-17-15

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 3.65 acres of property generally located at 1764 and 1770 South National Avenue and 1251, 1309, 1315 and 1319 East Sunshine Street from an R-SF, Single Family Residential District and GR, General Retail District with Conditional Overlay District No. 6 to a GR, General Retail District with Conditional Overlay District No. 99.

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-33-2015/CONDITIONAL OVERLAY DISTRICT NO. 99

The applicant is proposing to rezone the subject property from an R-SF, Single Family Residential District and a GR, General Retail District with Conditional Overlay District No. 6 to a GR, General Retail District with Conditional Overlay District No. 99. The intent of this application is to add some property adjacent to the west of the northeast corner of National Avenue and Sunshine Street and to modify the requirements within the Conditional Overlay District, specifically regarding uses.

Planning and Zoning Commission held a public hearing on the applicant's original proposal at their October 8, 2015 meeting. The applicant had originally requested to permit package liquor sales and to modify the hours of operation for retail sales to 6:00 am to 12:00 am. Following the public hearing, the applicant requested to remove their request for package liquor sales and asked that the existing hours of operation of 6:00 am to 10:00 pm for retail uses remain.

The Growth Management and Land Use Plan Element of the Comprehensive Plan (Plan) identifies the National Avenue and Sunshine Street area as an Activity Center, primarily focused around the Mercy Hospital campus and the potential for long-term growth and change in the immediate vicinity.

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

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 November 5, 2015, and recommended approval, by a vote of 5 to 1, of the proposed zoning on the tract of land described on the attached sheet (Exhibit B).

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

FINDINGS FOR STAFF RECOMMENDATION:

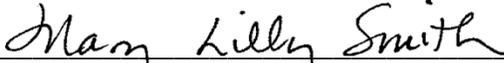
1. The subject property, at the corner of Sunshine Street and National Avenue, two primary arterial roadways, is an appropriate location for the types of uses permitted in GR and will provide goods and services to serve and complement the existing medical and office uses to the south as well as provide services for the residential development to the north and west.
2. Approval of this application will facilitate development of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure.
3. The standard development requirements in the GR, General Retail District along with those required as part of proposed Conditional Overlay District No. 99 are adequate for mitigating any potential impacts of development of this property on the adjacent residential properties.

Submitted by:



Alana D. Owen, AICP, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

Attachment 3: Conditional Overlay District No. 99 provisions

Attachment 4: Correspondence from nearby owners/residents

EXHIBIT A
ZONING CASE Z-33-2015 & CONDITIONAL OVERLAY DISTRICT NO. 99

RECORD OF PROCEEDINGS
Planning and Zoning Commission November 5, 2015

Z-33-2015 COD No. 99

1764 and 1770 South National Avenue and 1251, 1309, 1315, and 1319 East Sunshine Street

Applicant: Sunshine & National Real Estate, LLC

Mr. Hosmer stated that commission tabled this request at the October 8, 2015 P&Z meeting and to continue the public hearing tonight. This is a request to rezone approximately 3.65 acres of property generally located at 1764 and 1770 South National Avenue and 1251, 1309, 1315 and 1319 East Sunshine Street from an R-SF, Single Family Residential District and GR, General Retail District with Conditional Overlay District No. 6 to a GR, General Retail District with Conditional Overlay District No. 99. The growth management land use plan recommends this area on National and Sunshine as major activity center and this is primarily focus on Mercy Hospital and hospital related business located in this area. Sunshine and National are both classified as a primarily arterial roadway which shows appropriate locations for commercial activity. The existing Conditional Overlay District COD No. 6 restricted uses that are normally permitted within the GR District and limited established hours of operation for retail uses and required construction sidewalks and dedication ROW on Sunshine. Residential property on the corner of this intersection was previously owned by the City of Springfield and has been sold to the applicant and was one of the reasons for consideration of rezoning this property. The applicant initially requested a drive-in and pick-up drive-through restaurant with a tavern and cocktail lounge, but has not requested to remove the package liquor store sells as a permitted use on this property. The applicant has also removed the request to modify the hours of operations and the hours of operation will remain as the original COD from 6:00am to 10:00pm. All the other requirements of the COD and the Conditional Overlay District are the same. A traffic study will be submitted at the time of development, there will be a buffer yard requirement along all the areas adjacent to the single family residents. There are also a 30 degree bulk plain that will be required along every boundary of the RS-F district. There will be a public hearing at the City Council on November 23, 2015. Staff recommends approval of the COD provisions as outlined with the limited uses in the GR with the dedication of the ROW, access limitations along Sunshine with 50' ROWs measured from the centerline of National Avenue and Sunshine Ave, provide cross access between all the lots that would be existing and provide internal egress easement within the area. They would have to construct sidewalks along Sunshine, providing a total pedestrian system and providing existing driveways on National will be closed. There will be maximum floor ratio of 0.38 and a traffic study will be completed and a buffer yard required along with the bulk plane of 30 degrees.

Mr. Doennig summarized the only changes are the hours of operation issued from the first COD to the new COD and the removal of the taverns and cocktail lounge.

Mr. Hosmer confirmed that the applicant requested the time change of drive-in and pick-up window and the removal of the packaged liquor sales. That are the changes.

Mr. Baird opened the public hearing.

Mr. Jared Rasmussen, Olsson & Associates, 550 St. Louis Street, stated that they have pulled two items off of the request. They have heard a lot of concern on the hours of operations and having a package liquor store so close to the residential area. The owners felt it appropriate to remove those both.

Jim Doran, 1234 E. University speaking on behalf of Lois Doran, stated opposition based on the tavern still be proposed and the parking. As discussed before, this property is across from Mercy parking lots and impaired drivers potentially coming from the location with ER vehicles going through the intersection. Concerns also on the drive-through restaurant noise. Would prefer GR for this location and also commented on the property values, this rezoning can only deflate values and living conditions along University and other parts of that area.

Karen Burmood, 1224 E. Standford Street, stated opposition. Concerned with the possible noise of the large trucks and would like to see a stone fence to help alleviate the noise.

Linda Binder, 1205 E. University, stated opposition. Concerned with the students walking to and from the tavern and the possibility of them getting hit with the traffic. Not opposed to development, but opposed to the tavern and has concerns of the traffic.

Chris Brown, 1314 E. University, stated opposition. Concerns regarding the traffic and the sloping of the property from south to north and states that he has a water problem due to the Mercy Hospital parking lot. The water from the parking lot flows to the north and backs up to his property.

Mr. Tim Havens, 2156 South Prairie Lane, stated opposition. Concerns of the zoning that are not addressed. Zoning is a promise, if something changes, something significant, such as job creation, safety or some important issue, then that promise can be broken, but other than, I believe it is immoral to not honor the promise you already made. These people offer very good points, that it is not an appropriate place for a tavern or a drive-in. There should be some kind of a buffer area, like an office use that goes in between where the residences are. The specifications I don't are complete, I think the stone fence idea is excellent. I was going to suggest about the height on the fence it either needs specify an 8' wood fence, maybe a 6'. The are using buffer yard F, which is a solid hedge, which the City says for their heaviest industrial use. They need to match it or be taller or be a stone fence. Would to have someone define what zoning means to the average citizen and his home and his place in this town.

Mr. Baird closed the public hearing.

Mr. Baird states that the commission's intentions and how to deliberate cases is certainly not meant to be inflammatory to anyone in the community. The commission needs to figure out whether this is an appropriate use for this piece of land and that occasionally off-handed comments are made and it is certainly isn't meant to offend anyone. Specifically to this one, this is one is a tough one because it is a green space within close proximately to the center of the city. When it is possible to use existing city services and there is a green space located on two arterials, it seems to make sense to development it, rather than going out to the outskirts of town and developing there. However these homes have been there for a long time and there is a certain expectation of quality of life. It would be great if it stayed green space forever, but you would have to think it would have been developed at some point. What has been presented tonight is reasonable and therefore I will be supporting it.

Mr. Doennig stated that we have already zoned this property for development and have given it a zoning classification. We are now being asked to changed the conditions within the classification. What justification has been presented to this commission? I believe we do have an obligation to weigh the viability of the neighborhood and also the positions next to these major thoroughfares. Eight years ago we were offered the ability to development the property within certain guidelines and now are being

asked to change those. I believe we are setting a precedence for future cases when we have a situation like this, where we have existing zoning that is reasonable, but we are being asked to expand the allowable uses. I don't think that the developer has presented a compelling reason to make a change to this property. I will be voting against the proposal.

Mr. Rose stated this primary concern and stated that he didn't support it last time because the time change to allow businesses to be open until midnight. He appreciated the developer willing to compromise and work with the neighbors. I will be supporting the proposal.

Ms. White stated that she agrees with Mr. Rose. She was very concerned about the hours of operation. It is difficult when we have to put together residential and development, we always have these struggles. We take this seriously and do understand that. We have to be constrained by this fit within the comprehensive plan for the City of Springfield. Those are our rules. This proposal does fit within the comprehensive plan, so I will be supporting it.

COMMISSION ACTION:

Ms. White motioned to approve Z-33-2015 w/COD No. 99 (1764 and 1770 South National Avenue and 1251, 1309, 1315, and 1319 East Sunshine Street). Mr. Cline seconded the motion. The motion carried as follows: Ayes: Baird, Rose, White, Shuler, Cline. Nays: Doennig. Absent: Ray, Cox, and Edwards.



Bob Hosmer, AICP
Principal Planner

EXHIBIT B

LEGAL DESCRIPTION

ZONING CASE Z-33-2015 & CONDITIONAL OVERLAY DISTRICT NO. 99

TRACT I:

THE NORTH 115 FEET OF LOT 197 IN SAGAMORE SUBDIVISION AND ALL THAT PROPERTY AND BUILDING THEREON LEGALLY DESCRIBED AS ALL OF LOT ONE HUNDRED NINETY-EIGHT (198) IN SAGAMORE SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI, EXCEPT THAT PART THEREOF HERETOFORE CONVEYED TO THE STATE OF MISSOURI FOR HIGHWAY PURPOSES.

TRACT II:

ALL OF LOTS ONE HUNDRED NINETY-NINE (199) AND THE WEST HALF (W ½) OF LOT TWO HUNDRED (200), IN SAGAMORE SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT III:

ALL OF THE EAST HALF (E ½) OF LOT TWO HUNDRED (200) AND ALL OF LOTS TWO HUNDRED ONE (201) AND TWO HUNDRED TWO (202), IN SAGAMORE SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT IV:

ALL OF LOT TWO HUNDRED THREE (203), IN SAGAMORE SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT V:

ALL OF LOT TWO HUNDRED FOUR (204), IN SAGAMORE SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT VI:

ALL OF LOT TWO HUNDRED FIVE (205), IN SAGAMORE SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT VII:

ALL OF LOT TWO HUNDRED SIX (206), IN SAGAMORE SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT VIII:

ALL OF LOT TWO HUNDRED SEVEN (207), IN SAGAMORE SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT IX:

ALL OF LOT TWO HUNDRED EIGHT (208), IN SAGAMORE SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT X:

ALL OF LOT TWO HUNDRED EIGHT (209), IN SAGAMORE SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT XI:

ALL OF LOT TWO HUNDRED EIGHT (210), IN SAGAMORE SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT XII:

ALL OF LOT TWO HUNDRED EIGHT (211), IN SAGAMORE SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT XIII:

ALL OF LOT TWO HUNDRED EIGHT (212), IN SAGAMORE SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

And the following;

All of the South 25 feet of Lot 149 and the South 12.5 feet of Lot 150. And also, Commencing at an aluminum monument at the Northwest corner of said Lot 195; Thence along the north line of Lot 195, S88° 17'26"E a distance of 1.20 feet to the True Point of Beginning; Thence along the east right of way of National Avenue and joining the north right of way of Sunshine Street with the following courses, S01° 46'18"W a distance of 34.11 feet; Thence along a curve to the left having an Arc length of 58.86 feet, a Radius of 173.00 feet, a Chord bearing of S07° 58'31"E, and a Chord length of 58.58 feet; Thence along a compound curve to the left having an Arc length of 48.40 feet, a Radius of 68.00 feet, a Chord bearing of S38° 06'46"E, and a Chord length of 47.38 feet; Thence along a compound curve to the left having an Arc length of 62.79 feet, a Radius of 173.00 feet, a Chord bearing of S68°54'03"E, and a Chord length of 62.45 feet; Thence along a compound curve to the left having an Arc length of 49.65 feet, a Radius of 902.00 feet, a Chord Bearing of S80°52'32":E, and a Chord length of 49.64 feet to a point on the east line of Lot 197; Thence leaving said right of way and along the said east line of Lot 197, N01°49'44"E a distance of 40.42 feet to the Southeast corner of the north 115 feet of said lot 197; Thence along the south line of the North 115 feet, N88°16'05"W a distance of 50.26 feet to the west line of Lot 197; Thence along the said west line, N01°49'44"E a distance of 115.00 feet to an existing ¾" iron pipe at the Northwest corner of said Lot 197; Thence along the north line of Lots 196 and 195, N88°19'31"W a distance of 98.36 feet to the Point of Beginning. Containing an area of 14,226.8 Square Feet (0.33 Acres), more or less.

Development Review Staff Report

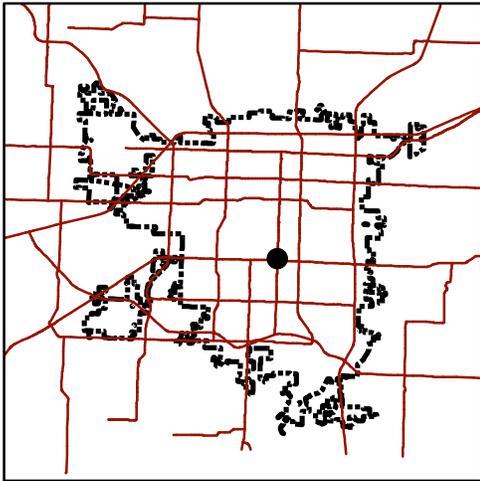
Department of Planning & Development - 417-864-1031
840 Boonville - Springfield, Missouri 65802

Zoning Case Z-33-2015 with Conditional Overlay District No. 99

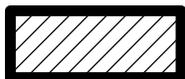
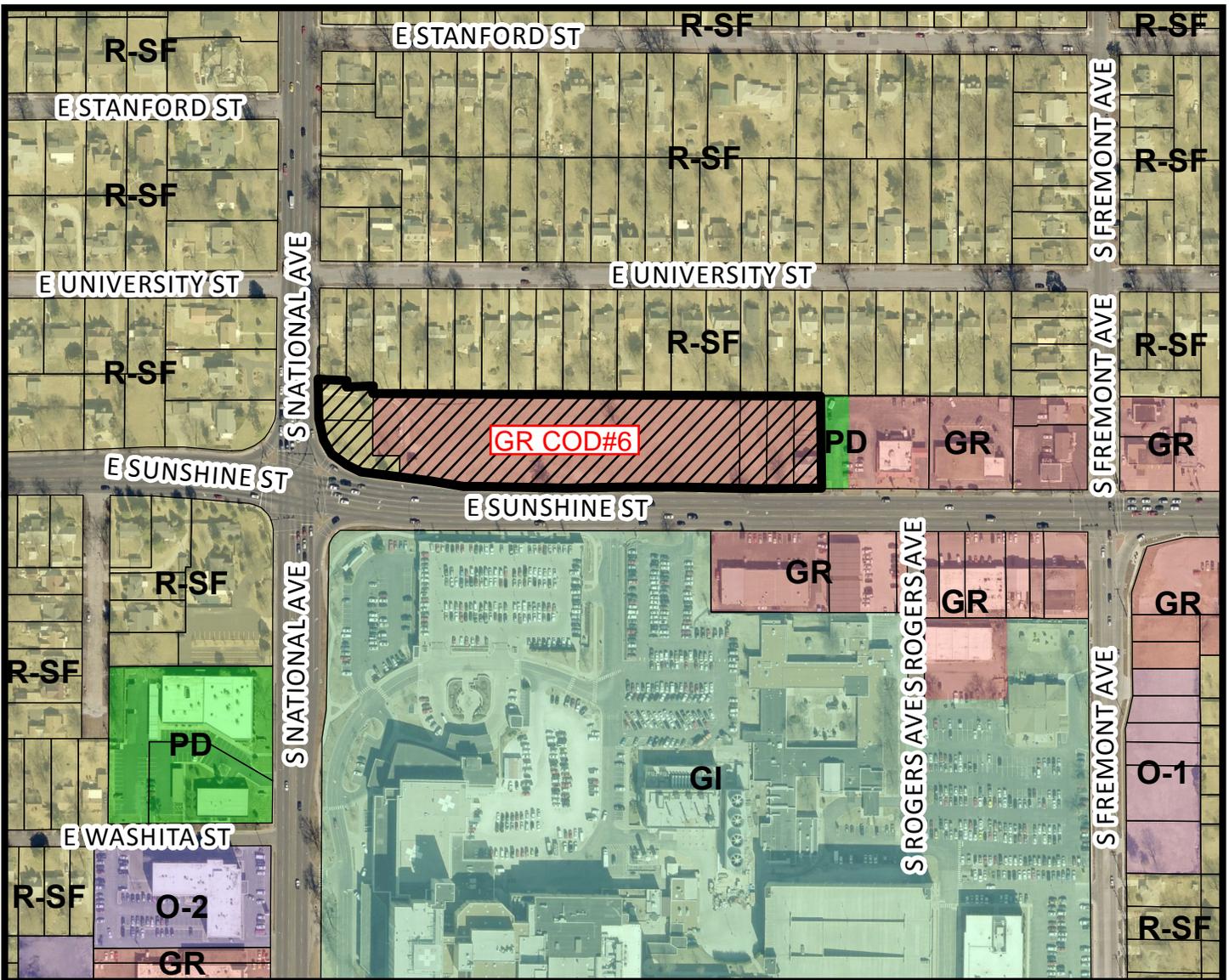
LOCATION: 1764 and 1770 S. National and 1251, 1309, 1315
and 1319 E. Sunshine

CURRENT ZONING: R-SF and GR with COD No. 6

PROPOSED ZONING: GR with COD No. 99



LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-33-2015 & CONDITIONAL OVERLAY DISTRICT NO. 99

PURPOSE: To rezone approximately 3.65 acres of property generally located at 1764 and 1770 South National Avenue and 1251, 1309, 1315 and 1319 East Sunshine Street from an R-SF, Single Family Residential District and GR, General Retail District with Conditional Overlay District No. 6 to a GR, General Retail District with Conditional Overlay District No. 99.

REPORT DATE: October 26, 2015

LOCATION: 1764 and 1770 South National Avenue and 1251, 1309, 1315 and 1319 East Sunshine Street

APPLICANT: Sunshine and National Real Estate LLC

TRACT SIZE: Approximately 3.65 acres

EXISTING USE: Vacant house and undeveloped land

PROPOSED USE: Uses permitted in the GR, General Retail District except as excluded within Conditional Overlay District No. 99.

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property, at the corner of Sunshine Street and National Avenue, two primary arterial roadways, is an appropriate location for the types of uses permitted in GR and will provide goods and services to serve and complement the existing medical and office uses to the south as well as provide services for the residential development to the north and west.
2. Approval of this application will facilitate development of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure.
3. The standard development requirements in the GR, General Retail District along with those required as part of proposed Conditional Overlay District No. 99 are adequate for mitigating any potential impacts of development of this property on the adjacent residential properties.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-SF	Single family homes
East	PD 135 & GR	Restaurant and commercial uses
South	GI & GR	Hospital, office and commercial uses
West	R-SF	Single family homes

HISTORY:

The subject property, except for 1764 and 1770 South National, was rezoned to GR, General Retail with Conditional Overlay District No. 6 in January 2008. The existing Conditional Overlay District restricts several uses that are normally permitted within the GR District, established hours of operation for retail uses, required construction of a sidewalk on Sunshine and the dedication of right-of-way.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies the National Avenue and Sunshine Street area as an Activity Center, primarily focused around the Mercy Hospital campus and the potential for long-term growth and change in the immediate vicinity.

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

STAFF COMMENTS:

1. The applicant is requesting to rezone the subject property from an R-SF, Single Family Residential District and a GR, General Retail District with Conditional Overlay District No. 6 to a GR District with Conditional Overlay District No. 99. The intent of this request is to add the property at 1764 and 1770 South National and to revise the existing Conditional Overlay District to facilitate development of the property.
2. If approved, this request will modify the requirements of the existing Conditional Overlay District by allowing some uses that are normally permitted within the GR District but were prohibited with Conditional Overlay District No. 6. The applicant is requesting to allow drive-in, pick-up and drive-through restaurants and taverns and cocktail lounges. The uses requested are normally permitted in the GR district and are appropriate given the requirements established in the Zoning Ordinance for GR zoning. The subject property is located at the corner of National Avenue and Sunshine Streets, both primary arterial roadways. This is an appropriate location for the types of uses permitted in GR and will provide

goods and services to serve and complement the existing medical and office uses to the south as well as provide services for the residential development to the north and west.

3. Planning and Zoning Commission held a public hearing on the applicant's original proposal at their October 8, 2015 meeting. The applicant had originally requested to permit package liquor sales and to modify the hours of operation for retail sales to 6:00 am to 12:00 am. Following the public hearing, the applicant requested to remove their request for package liquor sales and asked that the existing hours of operation of 6:00 am to 10:00 pm for retail uses remain.
4. All additional requirements of the existing Conditional Overlay District No. 6 are included in proposed Conditional Overlay District No. 99 including the dedication of right-of-way and construction of sidewalk on Sunshine Street and maximum floor area limitation for development. This proposed Conditional Overlay District contains some additional requirements including the dedication of right-of-way for National Avenue, the closure of the existing driveway approach on National and the completion of a traffic study at the time of development based on the actual use of the property. If the results of the traffic study determine that improvements are required, then they must be constructed prior to building permits being issued for the property.
5. If the rezoning is approved, it would have to comply with *Section 4-3100, General Retail District*, the Zoning Ordinance and any other applicable city codes.
6. Upon development of the property a bufferyard is required along the north property line adjacent to the R-SF, Single Family Residential zoned property. The normal bufferyard required between GR and R-SF zoning would be a Bufferyard "Type F" at least twenty (20) feet wide with a six foot solid wood fence, masonry/brick wall or evergreen hedge. The subject property qualifies for a shallow lot exemption because it is less than 200 feet deep. Therefore, the bufferyard can be reduced to a minimum fifteen (15) foot wide bufferyard with plantings. For each one-hundred (100) linear feet of bufferyard, there must be one (1) canopy tree, one (1) understory tree, two (2) evergreen trees and ten (10) shrubs. The applicant has included a requirement in the proposed Conditional Overlay District that shrubs planted as part of the bufferyard requirement shall have a minimum mature height of six (6) feet within 4 years of planting.
7. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on September 17, 2015 regarding the request for GR, General Retail zoning with Conditional Overlay District No. 99. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant on October 26, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Thirty (30) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff received several phone calls from adjacent property owners regarding the applicant's original request. The main concerns expressed have been regarding storm water and possible impact of the additional uses on the adjacent residential properties. Staff also received two letters from adjacent property owners (Attachment 4).

CITY COUNCIL MEETING:

November 23, 2015

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner
864-1831

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-33-2015 & CONDITIONAL OVERLAY DISTRICT NO. 99

BUILDING DEVELOPMENT SERVICES COMMENTS:

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

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Public Works Traffic Engineering does not have any objections to this request.

STORMWATER COMMENTS:

1. There are no stormwater issues with re-zoning this property. Please note, however, that development (or re-development) of the property will be subject to the following conditions at the time of development:
 - a. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports.
 - b. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements. Existing impervious surfaces currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
 - c. If a detention basin was previously constructed to serve the development, it must be shown that any new development proposed is in conformance with the design criteria of the existing basin. If runoff from the proposed development exceeds the original design criteria, then, additional detention must be provided based on current requirements. Water quality will need to be provided.
2. Concentrated points of discharge from these improvements will be required to drain to the regional detention basin.

CLEAN WATER SERVICES COMMENTS:

1. No objection to rezoning.
2. Public sewer is available in Sunshine but it may take further public improvements to get it onsite. It may not be feasible to make multiple lateral connections into the main in Sunshine.

CITY UTILITIES:

City Utilities has no objection to the requested rezoning. There is no impact on City Utilities.

ATTACHMENT 2

NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: GR - COD #06 to GR - COD
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: September 17, 2015 from 4:30 - 6:30
3. Meeting Location: Towne Place Suites (Marriott Hotel) 2009 S. National Ave.
4. Number of invitations that were sent: 175
5. How was the mailing list generated: By the City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 13
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

Neighborhood Meeting

Proposed Rezoning
September 17, 2015
4:30 p.m. – 6:30 p.m.

Name	Address	Phone
Kay Crabb	1224 E. Stanford	811-1988
Tim Haacock	1200 E. University	861-7723
Rebecca Gilmore	1130 East University	569-9750
Alice Pulliam	1266 E. University	887-2854
Matt Burch	1246 E. University	861.9031
Darla Harmon	1218 E. University	872-9710
Quinn Jones	1204 E. University	417 882 6819
Karen Chandler	1300 E. University	417-881-2972
Doane Smith	1249 E. University	417-840-7608
Michael Crabb	2850 S. Chantilly	417 839-4024

Neighborhood Meeting

Proposed Rezoning
 September 17, 2015
 4:30 p.m. - 6:30 p.m.

Name	Address	Phone
Tom & Lori Muetzel	1745 S. National Ave	417-872-8687
Jim Debra	for 1234 E. University	417 894 6533



550 St. Louis Street
 Springfield, MO 65806

TEL 417.890.8802
 FAX 417.890.8805

www.olssonassociates.com



September 23, 2015

City of Springfield
Planning & Development

RE: Zoning Case Z-33-2015 COD #99 – Neighborhood Meeting Summary

To Whom it May Concern:

The neighborhood meeting for the above referenced zoning case was held Thursday, September 17, 2015, at the Towne Place Suites (Marriott Hotel) located at 2009 S. National Ave., Springfield, MO from 4:30 – 6:30 p.m. At the meeting, the following items were discussed.

- **Allowed Uses**

- **Neighborhood Comments**

- Some, but not all of the neighbors, were concerned and not pleased with the proposed change in allowable uses. I.e. Drive-in, pick up, and drive-thru restaurants. They felt these uses should be kept out of the allowed uses.

- **Developer's Response**

- This property has remained undeveloped since the most recent rezoning that took place in 2007. It was stressed that for this property to be attractive for business, added allowances are needed. It was also discussed that businesses are generally looking for locations within the urban core of Springfield and that this location fits that criteria. Very few undeveloped areas remain in Springfield's urban core, and without increasing the allowable uses for this site, along with others site similar to this, viable businesses will likely look to move to the fringes of the community. This move would then create an additional burden on City services and in-turn, Springfield residents and tax payers. I.e. increasing urban sprawl.

- **Noise & Bufferyards**

- **Neighborhood Comments**

- Due to the additional allowed proposed uses, as described above, and the modification to the allowable hours of operation, from 10pm to 12am, the adjoining neighbors were concerned by the perceived added noise of the development.

- **Developer's Response**

- By the addition of buildings to the property, these will in effect act themselves as a sound barrier between the busy street of Sunshine and the ambulatory noise created by Mercy Hospital. Even still, the developer recognizes the development may create noise. To counter act this noise, the developer is proposing to modify the required bufferyard, by intensifying the shrub requirement of the bufferyard. Not by increasing the number of shrubs, but rather by increasing the size of the shrubs. In lieu of the standard shrub requirement (deciduous or evergreen with a height of 3' within one year of planting), the developer is proposing to only use larger evergreen shrubs (min. mature height of

6'). To secure this type of shrub is used, the conditional overlay district has been modified to make this a requirement of the development.

- **Screening**

Neighborhood Comments

Some of the neighbors were concerned with the visibility of the development trash areas.

Developer's Response

It was discussed that City ordinances require that all trash areas be screened from the public, and that this is usually done with a physical wall or opaque fence.

- **Building Height & Size**

Neighborhood Comments

Some of the neighbors were concerned with the allowed height of the structures/buildings.

Developer's Response

It was discussed that City ordinances require that all buildings be required to stay below a 30 deg bulk plane measured from the property line of the adjoining residential property line.

- **Drainage**

Neighborhood Comments

Some of the neighbors were concerned with the increase of storm water runoff create by the development.

Developer's Response

It was discussed that City ordinances require that storm water management be approved by the City and be designed in such a way that storm water flows on to the neighboring properties not exceed existing conditions. It was also discussed that the existing detention basin located on the west end of the property would likely need to increase in size to meet current city requirements.

- **Light Spillage**

Neighborhood Comments

Some of the neighbors were concerned with lights from the development shining onto their properties.

Developer's Response

It was discussed that City ordinances require cut off fixtures be required to prevent light spillage beyond the developments property.

- **Property Value**

Neighborhood Comments

Some of the neighbor were concerned the impact this development would have on their property values.

Developer's Response

It was discussed that this development is intended to be an upscale development and that no reduction of property values were anticipated.

- **Traffic & Access**
Neighborhood Comments

Several neighbors were concerned with the development's negative impact to the current traffic flow of National and Sunshine.

Developer's Response

It was discussed that no access was allowed to National, and that access to Sunshine was not allowed west of Mercy's current access to Sunshine. Furthermore, it was discussed that it is the developer's responsibility to provide a traffic study to identify any transportation/traffic improvements required, and that these improvements would be the responsibility of the developer to complete.

Sincerely,



Olsson Associates
Jared Rasmussen, PE

August 31, 2015

Dear Property Owner:

We have submitted a rezoning application to the City of Springfield for the 3.65-acre property located at the NE Corner of Sunshine Street and National Ave. The owner of the property to be rezoned – as illustrated in the enclosed map – is requesting to rezone from General Retail (GR) with Conditional Overlay District (COD) # 06 to GR with a COD to modify the current restrictions contained with COD # 06.

Representatives from Olsson Associates will be available to speak with neighbors and answer any questions you might have about the rezoning application on **Thursday, September 17th, 2015 from 4:30 – 6:30 p.m. at the Towne Place Suites (Marriott Hotel). Located at 2009 S. National Ave., Springfield, MO 65804.** Signage for directions to the meeting room will be placed at the front desk of the Hotel. Maps indicating the affected property as well as the meeting location are attached to this letter.

This case is scheduled to be heard before the City of Springfield Planning and Zoning Commission on October 8, 2015 @ 6:30. Please plan to attend. If you should have any questions please feel free to contact our office at (417) 890-8802.

Sincerely,



Jared Rasmussen, PE
Olsson Associates

Attachments:

Meeting Location Map
Exhibit B - Rezoning Map
City of Springfield Notice

ATTACHMENT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-33-2015 & CONDITIONAL OVERLAY DISTRICT NO. 99

The requirements of Section 4-3100 of the Springfield Zoning Ordinance shall be modified herein for development within this district.

A. USES The following uses are prohibited within this district:

1. Automobile part and accessory stores, entirely within enclosed building and with service and repair as an accessory use, when located as part of a shopping center complex.
2. Commercial amusement, including bowling alleys, dance halls, video game arcades, billiard parlors, roller skating and ice skating arenas, motion picture theaters, and drive-in theaters.
3. Commercial off-street parking lots and structures.
4. Convenience stores with or without gas pumps.
5. Funeral homes, mortuaries and crematoriums.
6. Hotels, motels and inns.
7. Household resources recovery collection centers, screen from all residential districts and public rights-of-way in conformance with Section 6-1000.
8. Package Liquor Sales.
9. Pawn shops, second-hand stores and flea markets entirely within enclosed buildings.
10. Self-service laundromats.
11. Photo processing with drive-thru facilities.
12. Police and Fire stations
13. Private clubs and lodges
14. Public and private parks, playgrounds and golf courses, included miniature golf courses and driving ranges.
15. Recording studios
16. Seasonal outdoor sales and related storage
17. Taxidermists
18. Tower other than wireless facilities, less than one hundred (100) feet in height and related facilities.
19. Television and radio studios.
20. Water reservoirs, water standpipes, and elevated and ground level water storage tanks.
21. Tier I, Tier III, Tier IV, and Tier V wireless facilities
22. Satellite rental car offices limited to administrative functions related to the rental car business, drop off and pick up of rental cars, and on-site parking for not more than fifteen (15) rental cars and vans.
23. Automobile service garages
24. Automobile service stations
25. Automobile washing businesses, including automatic, coin operated, and moving line facilities
26. Self-service storage facilities
27. Residential uses on the first floor frontage of a building
28. Taverns and cocktail lounges

- B. Use Limitations – The following improvements/conditions are necessary to accommodate the proposed development of this property:
1. Dedicate additional right-of-way for Sunshine Street and National Avenue as required by the Administrative Review Committee (ARC), but no greater than the following:
 - a. Sunshine Street – 50 feet north of the established section line or street centerline used for previous right-of-way requirements.
 - b. National Street - 50 feet east of the street centerline used for previous right-of-way requirements.
 2. No access is permitted within five-hundred-fifty (550) feet measured from the centerline of National Avenue.
 3. Assure that all lots have access either by combining lots or by providing a cross access easement across all lots and including all driveways between the cross access easement and the right-of-way for Sunshine Street from the west lot to the east property line.
 4. Provide an internal ingress-egress easement from and including the eastern driveway to the east property line for a future cross access with the property to the east.
 5. Construct sidewalk along Sunshine Street.
 6. Provide an internal pedestrian system that connects the front doors of each building with one another and the public sidewalk.
 7. The existing driveway approach on National Avenue shall be closed.
 8. Hours of operation for retail uses shall be limited to 6:00 am to 10:00 pm.
- C. Bulk and Intensity of Use Restrictions: Development within this district shall adhere to the following requirement:
1. Maximum floor area ratio: 0.20
 2. A traffic study shall be submitted at the time of development/redevelopment based on the actual use of the property. The traffic study shall be based on an internal private layout of the development. If the results of the traffic study determine that improvements are required, then they must be constructed prior to building permits being issued. ARC approval shall be required if modification of the layout is proposed after approval of the traffic study.
- D. Bufferyard:
1. Shrubs planted as a part of the bufferyard requirement shall have a minimum mature height of six (6) feet within four (4) years of planting.

ATTACHMENT 4

From: [Jim Doran](mailto:Jim.Doran@springfieldmo.gov)
To: Zoning@springfieldmo.gov
Subject: Fw: Property at Sunshine and National Re-Zoning Request
Date: Wednesday, September 23, 2015 4:26:48 PM

zoning@springfieldmo.gov

On Wednesday, September 23, 2015 3:19 PM, Jim Doran <jrd4@att.net> wrote:

Mr. Bob Hosmer, AICP
Principal Planner
City of Springfield

Re: Proposed Rezoning of 3.65 - acre property at the NE Corner of Sunshine Street and National Avenue (Hearing Before Commission October 8, 2015 @ 6:30)

Dear Mr. Hosmer:

Lois Marriott Doran owns the property located at 1234 E. University, Springfield, MO 65804. She and I resided at this residence for several years and moved to a new location and it became a rental. We received notice of the proposed rezoning from Olson Associates and I attended the Neighborhood Meeting scheduled at 4:30 - 6:30 P.M on September 17, 2015.. Because of the broad scheduling time, I only made contact with one neighbor couple. It did appear many persons had signed in before I got there and I suspect many signed in after I left.

A few years ago, rezoning of the property was requested by the owner. I believe there were three appearances before the Commission and two Neighborhood Meetings. Basically, the neighborhood favored only office usage and the owner proposed an extensive retail usage. With the help of the Commission and City Staff, adjustments were made to the rezoning which I thought basically provided for light retail. In meeting with the representative from Olson Associates, the present owner basically wants to change the closing time required from 10 PM to 12 Midnight; permit drive through facilities such as restaurants; permit bars and allow liquor stores. I believe these changes were all eliminated in the earlier proceeding.

We are now back basically having to go through the same process. Each one of these activities will reduce the value of abutting properties and I am sure increase traffic at the already busy intersection with frequent gridlock at Sunshine and National. The Mercy Hospital Emergency Room is located at his intersection.

The later hours will expand noise levels and their times significantly . While in School, I worked on occasion at a bar and I know even after it closed filling dumpsters, employees taking smoke breaks outside, etc. continued on for another couple of hours Persons living at the opposite end of the street at that time confirmed this time period for close down of the restaurant behind them. It closes well before Mid-Night.

This is an improving neighborhood. Many properties have been up-graded in the time I have been familiar with it. We have been able to get decent rents and persons such as MSU professors, Business Managers, etc. as tenants. Much hard work by many people will be lost if the rezoning is allowed. After the last recent rezoning situation, it was to go before City Council, The neighbors concluded that after the adjustments they were not satisfied but could put up with it. As far as i know, no one appeared to oppose the rezoning. I even received calls from City

Council members asking why after they had reviewed the case.

I believe there is a new property owner of the tract. However, they bought it "as is" and should not be allowed to make additional zoning changes and potential profits at the expense of the property owners. The Olson Associates representative told me the present owner was not interested in amending their request. For all of the above reasons, Lois Doran and myself strongly oppose any changes to the present zoning.

Jim Doran
jrd4@att.net
417-894-6523

From: [Harmon, Darla A.](#)
To: Zoning@springfieldmo.gov
Subject: Zoning Case Z-33-20115 w/Conditional Overlay District No. 99
Date: Tuesday, October 27, 2015 4:10:11 PM

Good afternoon,

I live at 1218 E. University St., and I love my home and neighborhood. When I moved into this house 16 years ago, there was obviously noise and traffic from the Sunshine/National intersection, and there were a few rental properties on the street. Today, the noise and traffic have heavily increased, Mercy has moved its chopper pad and emergency room entrance so that they are directly across the street, and several houses have turned into rentals that are inhabited by multiple college students. Change is certainly inevitable, but it isn't always positive.

On September 17th, I attended a meeting hosted by Olsson Associates regarding a rezoning application for the property at the NE corner of Sunshine and National. They want to rezone the space for development that will allow:

- a drive-thru restaurant
- packaged liquor sales
- a tavern (at least 50% of sales would be alcohol)
- business would remain open until midnight rather than 10:00 p.m.

I am writing to express my opposition to rezone. There are a multitude of places in Springfield that provide the above services; we don't need to cram yet another into green space that aligns a residential neighborhood already dealing with too much noise and traffic. I hope the City will give as much consideration to the area homeowners who will be affected by rezoning as it will give to a potential developer who may increase tax revenue, and stop worrying so much about whether or not the nipple should be freed, and focus its energy and resources on preserving our neighborhoods.

Thank you,
Darla

Darla Harmon
Missouri University of Science and Technology
Senior Development Officer, Corporations and Foundations
223 Castleman Hall
Phone: 573-341-6596
Cell: 417-872-9710
Email: harmond@mst.edu

One-rdg. _____
P. Hrngs. X
Pgs. 100
Filed: 12-08-15

Sponsored by: McClure

First reading: _____

Second reading: _____

COUNCIL BILL NO. 2015- 322

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Fee Schedule for certain municipal services as provided in the
2 Springfield City Code, by making such adjustments as provided in the
3 attached Evaluation of Charges for Municipal Services, and adopting new
4 fees for certain city services, in order to recover all or part of the cost
5 thereof. (The Finance Committee recommends approval.)
6 _____
7

8 WHEREAS, a public hearing was held on December 14, 2015, a copy of the
9 notice is attached hereto as "Exhibit A;" and
10

11 WHEREAS, the Building Development Services Plan Review Fee, for which
12 Building Development Services is the only department participating in the review, will be
13 effective January 11, 2016; and
14

15 WHEREAS, all other new fees will be effective July 1, 2016.
16

17 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
18 SPRINGFIELD, MISSOURI, as follows, that:
19

20 Section 1 - The City Council hereby adopts the Fee Schedule contained within
21 the "Evaluation of Charges for Municipal Services," attached hereto as "Exhibit B," and
22 "Building Development Services – Commercial and Residential Fees," attached hereto
23 as "Exhibit C," copies of which shall be maintained on file with the City Clerk pursuant to
24 Springfield City Code. Affected fees include:
25

26 Chapter 2 - ADMINISTRATION

27 ARTICLE VI. - FINANCES

28 DIVISION 3. - CHARGES FOR VARIOUS MUNICIPAL SERVICES

29 Sec. 2-423. - Municipal court records.

30 Sec. 2-424. - Police and fire department records.

31 Sec. 2-425. - Fees for city services; license and inspection fees.
32

33	Chapter 6 - AIR POLLUTION CONTROL STANDARDS
34	ARTICLE IV. - OPEN BURNING
35	Sec. 6-284. - Permit for burning certain materials.
36	
37	Chapter 10 - ALCOHOLIC BEVERAGES
38	ARTICLE II. - LICENSES
39	DIVISION 1. - GENERALLY
40	Sec. 10-64. - Method of measuring distance.
41	
42	Chapter 18 - ANIMALS
43	ARTICLE I. - IN GENERAL
44	Sec. 18-3. - Impoundment fees.
45	
46	Chapter 30 - CEMETERIES
47	ARTICLE II. - HAZELWOOD CEMETERY
48	Sec. 30-33. - Fees and charges generally.
49	
50	Chapter 36 - LAND DEVELOPMENT CODE
51	ARTICLE I. - ADMINISTRATION AND ENFORCEMENT OF CODES
52	DIVISION 4. - PERMITS AND FEES
53	Sec. 36-146. - Fees.
54	ARTICLE III. - ZONING REGULATIONS
55	DIVISION 3. – ADMINISTRATION, ENFORCEMENT, AND REVIEW
56	Subdivision 1. - Administration and Enforcement
57	Sec. 36-334. – Fees.
58	ARTICLE VII. - FEES FOR PERMITS
59	
60	Chapter 42 - COURTS
61	ARTICLE II. - MUNICIPAL COURT
62	DIVISION 1. - GENERALLY
63	Sec. 42-41. - Court costs.
64	
65	Chapter 58 - HEALTH & SANITATION
66	ARTICLE II. - FOOD & FOOD ESTABLISHMENTS
67	DIVISION 2. - RESTAURANTS
68	Sec. 58-53. - Permit required; fees, suspension or revocation.
69	Sec. 58-57. - Inspections.
70	ARTICLE III. - DISEASES
71	Sec 58-211. - Center for immunization services.
72	
73	Chapter 74 - NUISANCE AND HOUSING CODE
74	ARTICLE VII. - NUISANCES
75	DIVISION 1. - GENERALLY
76	Sec 74-38. - Costs, assessments, and nuisance-abatement lien.
77	
78	Chapter 98 - STREETS, SIDEWALKS AND PUBLIC PLACES
79	ARTICLE II. - EXCAVATIONS
80	Sec. 98-45. - Fees.

81 ARTICLE III. - SIDEWALKS AND DRIVEWAYS
82 DIVISION 3. - DRIVEWAYS AND DRIVEWAY APPROACHES
83 Sec. 98-115. - Issuance of permit; fee.

84
85 Chapter 114 - VEGETATION

86 ARTICLE II. - TREES

87 DIVISION 1. - GENERALLY

88 Sec. 114-31. - Trees on private property creating hazard to public ways.

89
90 Chapter 118 - VEHICLES FOR HIRE

91 ARTICLE II. - TAXICABS, COURTESY CARS AND AIRPORT
92 LIMOUSINES

93 DIVISION 3. - FEES, CHARGES AND RATES

94 Sec. 118-126. - Vehicle inspection fee.

95
96 Said fees are hereby amended and approved, by adopting and incorporating
97 herein by reference, the schedule of fees and charges shown in "Exhibit B" and "Exhibit
98 C" for various departments of the City. City officials are authorized to charge the fees
99 shown on "Exhibit B," as "Recommended Charges and Cost Recovery," and the fees
100 shown on "Exhibit C." Any fees or charges not specifically included in "Exhibit B" or
101 "Exhibit C" shall remain unchanged.

102
103 Section 2 - This ordinance shall be in full force and effect from and after passage.

104
105
106 Passed at meeting: _____

107
108
109 _____
110 Mayor

111 Attest: _____, City Clerk

112
113 Filed as an Ordinance: _____

114
115 Approved as to form: Rhonda Lewsader, Assistant City Attorney

116
117 Approved for Council action: [Signature], City Manager

EXPLANATION TO COUNCIL BILL NO. 2015- 322

FILED: 12-08-15

ORIGINATING DEPARTMENT: Finance

PURPOSE: To adjust various charges for municipal services as defined in the Springfield City Code and outlined in the Policy Statement listed within the attached Evaluation of Charges for Municipal Services.

BACKGROUND INFORMATION: Annually, the Budget and Evaluation Division of the Finance Department reviews fees for municipal services. The fees are reviewed to determine if reasonable and appropriate levels of cost recovery are being maintained. Adjustments to municipal fees are recommended based on the policy statement included in the fee study. Generally, fee increases are limited to 10 percent, plus the annual increase in the consumer price index (CPI).

On November 3, 2015, the Finance and Administration Committee implemented temporary guidance to improve cost recovery on those fees where the cost recovery is less than 90 percent. Under this guidance, there will be a phase-in period to achieve 100 percent cost recovery over a two-year period. Fee increases will not exceed 35 percent in any one year. After 100 percent cost recovery is reached, the City will return to the long-standing policy of limiting increases in fees to 10 percent plus the increase in the CPI. There are some fees which are set below cost for reasons of public health and well-being and so as not to unfairly compete with private business. These fees are not impacted by the temporary guidance.

The Budget and Evaluation Division of the Finance Department has completed the 2015 review of the City's charges for municipal services. Analysis of the costs to provide these services was performed and adjustments are being recommended to provide more adequate cost recovery levels. These recommendations are in accordance with the policy statement on charges for municipal services. The public hearing notice is attached as "Exhibit A." The schedules of fees and charges are attached as "Exhibits B and C." Any fees or charges not specifically included in "Exhibits B or C" shall remain unchanged.

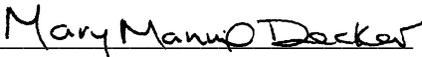
The average cost recovery of the recommended fees is 95.82 percent. The recommendations for certain permits, plan review and inspection fees were presented to the Development Issues Input Group (DIIG) November 18, 2015.

The Building Development Services plan review fee, for which Building Development Services is the only department involved in the review, would be effective January 11, 2016. All remaining fees would be effective July 1, 2016.

REMARKS: The evaluation report, including the recommended fee adjustments, was presented and approved for Council consideration by the Finance and Administration Committee at its December 1, 2015, meeting.

Submitted by:

Approved by:



Mary Mannix Decker
Director of Finance



Greg Burris
City Manager

Exhibit A

CITY OF SPRINGFIELD

NOTICE OF PUBLIC HEARING

SUBJECT: Proposed changes to certain charges for city services in order to recover all or part of the cost of providing such services.

DATE AND TIME: December 14, 2015 at 6:30 PM

PLACE: City Council Chambers, City Hall, 830 Boonville Avenue, Springfield, MO 65802

SUPPLEMENTAL INFORMATION: To provide citizens of the City of Springfield, Missouri, the opportunity to submit written and oral comments on the proposed amendments to the ordinance pertaining to fees for services. The proposed changes to the current fee structure are in the Finance, Municipal Court, Hazelwood Cemetery, Departments of Building Development Services, Planning and Development, Public Health, Public Works, Environmental Services, Art Museum, Police, and Fire.

Copies of the proposed amendments are available in the Office of the City Clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, MO 65802.

Address written comments to Anita Cotter, City Clerk, P. O. Box 8368, Springfield, MO 65801-8368. Written comments received before or at the hearing will be in the hearing record.

Anita Cotter
City Clerk
City of Springfield, Missouri

EVALUATION OF CHARGES FOR MUNICIPAL SERVICES

BASED ON 2015 FISCAL YEAR ACTIVITY



DEPARTMENT OF FINANCE
BUDGET AND EVALUATION

MISSION

The people of our community are the only
reason we are here.
Therefore,

We are committed to
WORKING WITH THE COMMUNITY
to provide ethical and responsible local government
so that everyone can enjoy the benefits
of living and working in Springfield.

We will achieve this through:

Integrity and Pride of Service
in everything we say and do, and with dedication to quality.

Cooperating and Communication
with one another and with citizens to ensure open government,
and open management with no surprises.

Continuous Improvement of Services
through cost-effective utilization of,
people, materials, equipment and technology

Leadership and Knowledge
through staff training and development.

Innovation
in how we meet present and future needs of our city.

TABLE OF CONTENTS

FEE STUDY POLICY AND OVERVIEW	5
Policy Statement.....	6-7
Overview.....	8
Findings and Recommendations	9
EVALUATION SUMMARY BY FEE TYPE.....	11
Permit, Plan Review, and Inspection Fees.....	12
Licensing Fees	13
Charges for Services	13
Ordinance Violations Charges	14
Enterprise Fund Fees	14
RECOMMENDED CHARGES AND COST RECOVERY	
PERMIT, PLAN REVIEW, AND INSPECTION FEES.....	15
Commercial Building Permit and Plan Review Fee.....	16-17
Residential Building Permit	18
Sign Permit.....	19
Asbestos Inspection	20
Air Quality Permit	21
Open Burning Permit.....	22
Land Disturbance Permit	23
Trash Truck Inspection.....	24
Tent Permit	25
Blasting and Fireworks Permit.....	26-27
Planned Development	28-29
Board of Adjustment	30
Preliminary and Final Plat.....	31
Zoning	32-33
Re-Plat.....	34
Taxicab Driver Permit	35
Farmers Market Permit	36
Food Permit	37
Temporary and Mobile Food Establishment Permit	38
Driveway and Right of Way Permit	39
Public Improvement	40
Encroachment Permit.....	41
Taxicab and Wrecker Inspection	42

LICENSING FEES.....	43
After-Hours Establishments.....	44
Liquor License	45
Tanning Location and Escort Service	46
CHARGES FOR SERVICES.....	47
Art Museum Rental.....	48
Fire Station Room Rental.....	49
Regional Fire Training Center	51
Fire Department Event Activities.....	52-53
Fire Department Hazardous Substance Release	54-55
Access to Conviction Records	56
Chapter 99	57
Chapter 353	58
Accident/Incident Report	59
Firing Range Fee	60
Animal Turn-in	61
Animal Vaccination	62
Hepatitis B Testing.....	63
Tuberculosis Testing and Management	64
Thermometer Calibration	65
Vaccine Administration	67
Hazelwood Cemetery	68-69
Street Cleaning	70
Street Repair	71
Traffic Signs.....	72-73
ORDINANCE VIOLATION CHARGES	75
Weed Abatement	76
Animal Impoundment.....	77
DWI Arrest	78
Tree Abatement.....	79
ENTERPRISE FUND FEES	81
Sanitary Landfill Goods and Tipping Fee	82
Biosolids and Industrial Pretreatments	83-85



Fee Study Overview

Effective Date: July 1, 2016

Subject: Charges for Municipal Services

This policy statement will set guidelines for the evaluation of the City's charges for municipal services as contained within Section 2-425 of the Springfield City Code, including any applicable subcategories.

1. Current charges shall be evaluated by the Finance Department on an annual basis. This evaluation shall utilize information on Service Efforts and Accomplishments (SEAs) for each category of charges as compiled by the various departments.
2. This report shall be forwarded to the City Council Finance and Administration Committee at a meeting to be scheduled in December.
3. A notice of adjustments to the existing structure of charges shall be published in a newspaper. Fifteen days shall be allowed for public comment through the City Clerk's Office, or questions or concerns may be expressed during the public hearing which takes place during the normal council meeting process.
4. If recommended by the Committee, a final report shall be approved by the full council no later than February 1 each year.
5. If approved by City Council, fee changes and new fees are effective on July 1, unless otherwise stated in the proposed ordinance.
6. The following general guidelines shall be used in the annual evaluation:
 - Charges for municipal services, where appropriate, should recover 100 percent of the related cost of providing the service.
 - Increases in fees and charges are recommended for those services that have an under recovery of cost. Policy guidelines limit such increases to a maximum of 10% above the percentage annual increase in the All Urban Consumer Price Index (CPI). For FY 14-15 the CPI was 0.16%, therefore, fee increases this year were limited to 10.16%.
 - In instances where under-recovery of cost is occurring, an additional maximum of 10 percent above CPI may be phased in until cost recovery percentages reach 100 percent, where appropriate. In cases where cost-recovery is 50 percent or less, a maximum of 20 percent above CPI may be phased in until cost recovery percentages reach 75 percent.
 - In instances where under-recovery of cost is occurring and the fee in question is \$30 or less, an increase to reach 100 percent cost recovery is acceptable, regardless of the percentage change in the fee from the prior year.
 - Due to the special nature of ordinance violations, 100 percent cost recovery is maintained each year regardless of the percentage adjustment required.
 - Any efficiency achieved which reduces costs should be accompanied by a corresponding reduction in the related charges for services.

- On November 3rd, the Finance and Administration Committee has implemented temporary guidance to improve cost recovery. There will be a phase-in to achieve 100% cost recovery over a two-year period, except for fees set below cost for reasons of public health and well-being. Fee increases will not exceed 35% in any one year. After 100% cost recovery is reached; the City will return to the current model. Fees adjustments can be set outside of this guidance.

EVALUATION OF CHARGES FOR MUNICIPAL SERVICES

BASED ON 2015 ACTIVITY

CITY OF SPRINGFIELD, MISSOURI

The Budget and Evaluation Section of the Finance Department has completed the annual review of the City's charges for municipal services. These charges are reviewed to determine if reasonable and appropriate levels of cost recovery are being maintained. Recommended fee adjustments from the current evaluation based on FY 14-15 data are presented in this report.

OVERVIEW

Section 2-425 of the Springfield City Code provides that the charge for a municipal service is to be set at a level which does not exceed the cost of providing the service. The term "cost" in relationship to municipal services has been defined as the allocable cost of direct and indirect labor, supplies, charges, and capital outlay used to provide each specific service. Allocations for both departmental and city wide administrative overhead are also included in the cost determination.

Service efforts and accomplishments measures used to review the charges for services include, as appropriate, the following:

Measures of Efforts

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

Measures of Accomplishments

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

Measures of Efficiency

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

FINDINGS AND RECOMMENDATIONS

This year's evaluation of charges for municipal services included a detailed analysis of the departmental and financial data that compose service costs. The methodology for deriving the service cost allocations was verified and their accuracy continues to be improved. Recommendations for adjustments to the evaluated charges are based on guidelines established by City Council policies.

A total of two hundred and forty one charges for municipal services were evaluated. The recommended adjustments for these charges are summarized as follows:

- Ten new fees are recommended to be established at this time.
- Eight established fees are being added to the fee study for evaluation.
- Forty seven charges are recommended to be reduced.
- Forty seven charges are recommended to be held constant.
- The remaining one hundred thirty seven charges are recommended to be increased.

Excluding Hazelwood Cemetery and Enterprise Fund charges, which require special consideration as discussed later, the current average cost recovery of the fees evaluated is 88.27%. If the recommended fee adjustments are approved, the average cost recovery would increase to 95.82%, potentially generating an additional \$100,576 in revenue. The nine new fees are encroachments which require council action and eight fire department event and hazmat equipment fees. These fees are further described in the next section by fee type.

The fees and charges evaluated have been grouped into five descriptive categories: Permit, Plan Review, and Inspection Fees; License Fees; Charges for Services; Ordinance Violation Charges; and Enterprise Fund Fees. Each category of charges has distinct characteristics and considerations that impact cost recovery decisions. The following narrative presents a summary of the charges within each category and an explanation of charges of particular interest.



Evaluation Summary by Fee Type

PERMIT, PLAN REVIEW, AND INSPECTION FEES

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

The City's goal in charging these fees is to recover incurred costs that can be clearly identified as being directly associated with specific consumers of the City's regulatory services. Examples of fees included in this category are final plat reviews, building permits, sign permits, driveway permits, taxicab inspections, and food permits. Two fees have been combined with existing fees this year. The commercial driveway, improved and unimproved have been combined; they have always required the same amount of staff time. Also, the taxicab and wrecker inspections have been combined for the same reason.

A total of eighty six charges are identified in this category. The current average cost recovery for these charges is 93.93%. If the recommended fee adjustments are approved, the average cost recovery would increase to 96.76%. There are two new fees requested; the first are for permits requiring council action on right-of-way encroachments. An example would be stairs in the right-of-way or a balcony over a right-of-way. The additional cost is for the City Attorney's office to prepare the council bill for council approval.

The second new fee is for land disturbance permits. This is only for sites less than one acre which are not part of a larger common plan or development or sale that will disturb a cumulate total of one or more acres over the life of the project. This is not a new permit or requirement, just a lower fee being offered. The intent of offering this fee is to keep individual lot owners, building, developers (primary in subdivisions) from having to pay the larger fee for sites greater than one but less than five acres.

There are four established fees being added to the fee study for annual review. Three are for residential building and other permits. The fourth, is a clarification of an established fee for a building plan review which require only the Building Development Services department and is not reviewed by other departments; for example a remodel or infill project.

The technology fee was reviewed for revenue currently being generated and the cost to maintain the electronic plan submission and review system (EPlans). A 1% increase to the technology fee, from 17% to 18%, is necessary to generate the revenue to cover the cost of maintaining the system. The technology fee applies to all building permits, sign permits, land disturbance permits, public improvements, and planning and zoning fees.

The fees in this section related to commercial and residential development was presented at the Development Issues Input Group (DIIG) meeting on November 18, 2015. The proposed fee increases and cost recovery statistics were discussed at this meeting.

LICENSING FEES

The fees evaluated in this section are for liquor license location investigations, after hours establishment investigations, tanning location security and escort services background checks. The recommended fee for issuing catering letters is set according to State Statute Section 311.485. There have not been any changes made to this statute during the current year, so the fee will remain the same.

A total of four charges are identified in this category. The current average cost recovery for these charges is 58.75%. If the recommended fee adjustments are approved, the average cost recovery would increase to 66.0%.

CHARGES FOR SERVICES

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

Examples of charges within this category include; community room rentals, vaccination administration fees, health testing, traffic signs and Hazelwood Cemetery burial services.

As with other fee charges, the City restricts its cost recovery for these services to the actual cost incurred, except for the services offered at Hazelwood Cemetery, which require sensitivity to local market conditions and concerns.

The five fees related to STD exams and testing were removed from the fee study this year. This is due to the increase and stabilization of Greene County Public Health budget funding for these services. The City also believes that providing Sexually Transmitted Disease testing and treatment at no cost is important so there are no barriers to receiving confidential medical services.

There are eight new and three established fees introduced in this section. The eight new fees are additional fire equipment rates for event activities and hazardous substance release. The three established fees are the Chapter 99 fees passed by City Council in March 2015.

A total of one hundred and thirty one charges are identified in this category. Twelve of these charges are Hazelwood Cemetery burial charges, which require special consideration as described below. Excluding the Hazelwood Cemetery charges, the current average cost recovery is 85.57%, if the recommended fee adjustments are approved, the average cost recovery would increase to 96.48%. Excluding the fees intentionally set below cost recovery for public health safety, such as animal vaccinations and vaccinations of food handles, and fees set to not discourage use such as animal turn ins, the average cost recovery is 8.13%.

Hazelwood Cemetery

There are no new fees recommended for Hazelwood Cemetery. In addition to the City's direct cost in providing services, other factors must be considered when establishing the fee levels for burial services and burial lot prices with Hazelwood Cemetery. The impact of the City's fee structure on the local competitive market must be minimized. For adult grave open/close services, Hazelwood is currently the local market highest fee and Hazelwood is at-market for the infant and cremains service, therefore, it is recommended these fees remain unchanged. Last year Hazelwood lot sale fees increase for the first time in several years, it is recommended these fees remain the same as well. Although the fees for lot sales provide more than 100% cost recovery, the excess provides funding for the perpetual care of the cemetery.

ORDINANCE VIOLATION CHARGES

The charges in the fourth category have been established by City ordinance, as allowed by State statutes, to recover the costs incurred by the City while enforcing certain ordinance violations. Violators may also be subject to punitive fines and court costs ordered by the Municipal Court. All of these charges relate to DWI offenses, animal impoundment, or weed, health, and tree abatements. The two probation fees have been removed from the fee study due to the passage of general ordinance 6164 whereas RSMo allows a City to impose a fee of not less than \$30 nor more than \$50 per month on a person placed on supervised probation. One established fee has been added to the ordinance violation section for nuisance abatements. Previous the City utilized the weed abatement charge for both types of abatements, yet nuisance abatements require a property title search, title fees and additional staff time to perform.

A total of seven charges are identified in this category. Due to the special nature of these charges, full cost recovery is allowed to be maintained each year regardless of the percentage adjustment required. The only fee below the City cost in this section is the animal impoundment fee. The City believes the cost should not be so high that it would discourage citizens from claiming their animal. The current average cost recovery for these charges is 82.29%. If the recommended fee adjustments are approved, the average cost recovery will be 90.14%. Excluding the animal impoundment fees, 100% of cost recovery is achieved.

ENTERPRISE FUND FEES

The thirteen fees in this section are determined differently than the other fees in this study. These fees are established to recover operating costs as well as recover long-term capital investment. These funds are not supported by general tax revenue. They are being included in this document to ensure annual review. There are no new fees within this section.

Boards and Agencies

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

Permit, Plan Review, and Inspection Fees

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

**Permit, Plan Review, and Inspection Fees
Building Development Services**

Service Description	Current Status Based on FY 14-15 Data				
	Minimum Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Commercial Permits and Plan Review					
Building Permits	\$135	\$135	100%	177	\$23,895
Electrical, Mechanical, Plumbing, Gas Permits	135	135	100%	851	114,885
Other Permits	135	135	100%	251	33,885
Building Plan Review-BDS Only	315	175	180%	98	30,870
Building Plan Review	315	315	100%	190	59,850
Technology Fee	17%	18%	94%	177	50,418
Totals					\$313,803

Service Description	Proposed Fees for FY 16-17				
	Proposed Min Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Commercial Permits and Plan Review					
Building Permits	\$135	0.0%	100%	\$23,895	\$0
Electrical, Mechanical, Plumbing, Gas Permits	135	0.0%	100%	114,885	0
Other Permits	135	0.0%	100%	33,885	0
Building Plan Review-BDS Only	175	0.0%	100%	17,150	-13,720 *
Building Plan Review	315	0.0%	100%	59,850	0
Technology Fee	18%	5.9%	100%	53,384	2,966
Totals				\$303,049	-\$10,754

Building Permit Building construction requires the issuance of a permit and follow-up inspections to insure adherence to code. Permit fees are based on the building's use group, type of construction, and square footage.

Electrical, Mechanical, Plumbing, Gas Permit Electrical, mechanical, gas fitting, and plumbing work require the issuance of permits and follow-up inspections to insure adherence to code. Permit fees are based on a percentage of the building permit fee.

Other Permits Other permits include: Foundation/Repair Permit for Moved Structures, Towers, Floodplain Development Permit, Parking Lots, Fuel Tanks, Fence Permit, Swimming Pool Installation, Temporary Vendor Site Permit, Temporary Vendor Permit, Lawn Sprinkler System Installation, Fire Sprinkler System Permit, Wrecking Permit, Stormwater Detention Permit, Moving Permit, Commercial Change-Outs, and Day Care Inspections.

Permit, Plan Review, and Inspection Fees
Building Development Services

Building Plan Review

In order to issue a building permit which requires design documents, a review of the design documents must be performed to verify compliance with the adopted building codes. The Plan Review fees are based on the percentage of the building permit fee. Depending on the type of plan, the review is either performed by the Building Development Services department only or by Building Development Services and all other related departments.

Technology Fee

An 18% technology fee is assessed on the Building Permit Fee, minimum of \$50, for the license and maintenance of the electronic plan submission and review system.

* The proposed BDS Only plan review fee is a refinement to the existing fee. The current fee for all plan reviews is \$315; the reduction in revenue reflected above is the difference in the current and proposed fees. This lower fee is recommended to be effective upon passage.

**Permit, Plan Review, and Inspection Fees
Building Development Services**

Current Status Based on FY 14-15 Data

Service Description	Minimum Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Residential Permits					
Building Permits	\$100	\$100	100%	184	\$18,400
Electrical, Mechanical, Plumbing, Gas Permits	100	100	100%	607	60,700
Other Permits	25	30	83%	1633	40,825
Totals					\$119,925

Proposed Fees for FY 16-17

Service Description	Proposed Min Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Residential Permits					
Building Permits	\$100	0.0%	100%	\$18,400	\$0
Electrical, Mechanical, Plumbing, Gas Permits	100	0.0%	100%	60,700	0
Other Permits	30	20.0%	100%	48,990	8,165
Totals				\$128,090	\$8,165

Building Permit Building construction requires the issuance of a permit and follow-up inspections to insure adherence to code. Permit fees are based on the building's use group, type of construction, and square footage.

Electrical, Mechanical, Plumbing, Gas Permit Electrical, mechanical, gas fitting, and plumbing work require the issuance of permits and follow-up inspections to insure adherence to code. Permit fees are based on a percentage of the building permit fee.

Other Permits Other permits include: Residential mechanical furnace and/or air conditioner change out, plumbing water heater change out, electrical service repair and gas air test only.

**Permit, Plan Review, and Inspection Fees
Building Development Services**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	Current Cost	Cost Recovery	Units of Service	Revenue Generated
Sign Permit - Detached	\$138	\$285	48%	60	\$8,280
Sign Permit - Wall	95	98	97%	123	11,685
Technology Fee	17%	18%	94%	183	4,906
Totals					\$24,871

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Sign Permit - Detached	\$186	34.8%	65%	\$11,160	\$2,880
Sign Permit - Wall	98	3.2%	100%	12,054	369
Technology Fee	18%	5.9%	100%	5,195	289
Totals				\$28,409	\$3,538

Sign Permit - Detached

A permit is required for any new detached sign or alternation to an existing detached sign.

Sign Permit - Wall

A permit is required for any new wall sign or alternation to an existing wall sign.

Technology Fee

An 18% technology fee is assessed on the city cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Environmental Services**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Asbestos Inspection Fee	\$116	\$140	83%	70	\$8,120
Totals					\$8,120

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Asbestos Inspection Fee	\$128	10.3%	92%	\$8,960	\$840
Totals				\$8,960	\$840

Asbestos Inspection Fee

Any asbestos removal project within the City of Springfield, may be inspected by an asbestos inspector with the Department of Environmental Services. The fee shall be charged to the abatement contractor or the owner of the property.

**Permit, Plan Review, and Inspection Fees
Environmental Services**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Deminimis Facilities	\$56	\$93	60%	35	\$1,960
MACT Small Facilities	116	140	83%	39	4,524
MACT Large Facilities	185	186	99%	1	185
Basic Facilities	349	373	94%	32	11,168
Intermediate Facilities	933	1,398	67%	5	4,665
Part 70 Facilities	1,400	1,872	75%	4	5,600
Totals					\$28,102

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Deminimis Facilities	\$75	33.9%	80%	\$2,625	\$665
MACT Small Facilities	128	10.3%	92%	4,991	467
MACT Large Facilities	186	0.7%	100%	186	1
Basic Facilities	373	6.9%	100%	11,928	760
Intermediate Facilities	1,166	25.0%	83%	5,831	1,166
Part 70 Facilities	1,636	16.9%	87%	6,544	944
Totals				\$32,105	\$4,003

Deminimis Facilities
An installation that has the potential to emit less than the deminimis level of any air contaminant or it has a construction permit that limits to emit less than deminimis levels.

MACT Facilities
An installation that emits a hazardous air pollutant (HAP) that is regulated by EPA as an area source and requires monitoring reports plus annual inspection to determine compliance with NESHAP MACT standard.

Basic Facilities
An installation that has the potential to emit greater than deminimis level but less than 100 tons per year of any air contaminant and issued a Basic operating permit.

Intermediate Facilities
An installation that has the potential to emit 100 tons or greater per year of any air contaminant but it has a voluntary limit to emit less than 100 tons of any air contaminant in the Intermediate operating permit.

Part 70 Facilities
An installation that has the potential to emit either 100 tons or greater per year of air contaminants or 10 tons of any single HAP or 25 tons of a combination of HAPs and issued a Part 70 operating permit.

**Permit, Plan Review, and Inspection Fees
Environmental Services**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Open Burning Permit	\$89	\$140	64%	15	\$1,335
Totals					\$1,335

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Open Burning Permit	\$115	29.2%	82%	\$1,720	\$385
Totals				\$1,720	\$385

Open Burning Permit

A property owner must obtain a permit to be able to burn brush or trees that originate on the property. The property owner has to meet several requirements in order to obtain a permit.

**Permit, Plan Review, and Inspection Fees
Environmental Services**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Land Disturbance Permit					
Sites < 1 acre	\$0	\$150	0%	0	\$0
Sites Between < 5 acres	412	452	91%	35	14,420
Sites Between 5 and 20 acres	493	563	88%	9	4,437
Sites > 20 acres	609	677	90%	1	609
Technology Fee	17%	18%	94%	45	3,666
Totals					\$23,132

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Land Disturbance Permit					
Sites < 1 acre	\$150	100.0%	100%	\$0	\$0
Sites Between < 5 acres	452	9.7%	100%	15,820	1,400
Sites Between 5 and 20 acres	543	10.1%	96%	4,887	450
Sites > 20 acres	670	10.0%	99%	670	61
Technology Fee	18%	5.9%	100%	3,882	216
Totals				\$25,259	\$2,127

Land Disturbance Permits

The Land Disturbance Permits are a requirement of the City's Municipal Separate Storm Sewer System (MS4) Permit with the Missouri Department of Natural Resources under the federal National Pollutant Discharge Elimination System (NPDES) program. Permit fee is for review and approval of applications and inspections, based on number of acres disturbed.

Sites < 1 Acre

The less than one acre fee is only for sites that are part of a larger common plan of development or sale that will disturb a cumulative total of one or more acres over the life of the project. Permits are required for these sites under federal and state regulations. A permit is not required for sites that disturb less than 1 acre, which is not part of a larger common plan.

Technology Fee

An 18% technology fee is assessed on the city cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Environmental Services**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Trash Truck Inspections	\$29	\$30	98%	108	\$3,132
Totals					\$3,132

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Trash Truck Inspections	\$30	3.4%	100%	\$3,240	\$108
Totals				\$3,240	\$108

Trash Truck Inspections Trash trucks are inspected annually for compliance with sanitation requirements.

**Permit, Plan Review, and Inspection Fees
Fire**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Tent Permit	\$92	\$93	99%	87	\$8,004
Each Additional Tent	2	2	93%	62	124
Late Fee	89	99	90%	0	0
Reinspection Fee	54	54	100%	0	0
Totals					\$8,128

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Tent Permit	\$93	1.1%	100%	\$8,091	\$87
Each Additional Tent	2	0.0%	100%	124	0
Late Fee	98	10.1%	99%	0	0
Reinspection Fee	54	0.0%	100%	0	0
Totals				\$8,215	\$87

Tent Permit

The tent permit covers the processing of the application, an initial review of the application by the Fire Marshal's Office, an on-site visit, and the inspection of one tent for fire and life safety requirements.

Each Additional Tent

The "Each Additional Tent" fee covers the inspection of each additional tent, located at the same site as on the tent permit, for fire and life safety requirements.

Late Fee

The late fee is charged in addition to the Tent Permit when the application is submitted within the 24 hour window prior to the event.

Reinspection Fee

The reinspection fee covers an on-site visit, and the reinspection of tent(s) for fire and life safety requirements when the initial inspection failed or in the event that a tent is in place for more than 30 consecutive days.

**Permit, Plan Review, and Inspection Fees
Fire**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Blasting Permit (storage site)	\$131	\$133	99%	0	\$0
Blasting Permit (use site)	131	133	99%	2	262
Fireworks Permit - Ground Display	44	46	96%	3	132
Fireworks Permit - Aerial	125	127	99%	4	500
Fireworks Permit - Proximate Audience	233	234	99%	3	699
Fireworks Permit - Additional Display Inspection	60	60	100%	0	0
Totals					\$1,593

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Blasting Permit (storage site)	\$133	1.5%	100%	\$0	\$0
Blasting Permit (use site)	133	1.5%	100%	266	4
Fireworks Permit - Ground Display	46	4.5%	100%	138	6
Fireworks Permit - Aerial	127	1.6%	100%	508	8
Fireworks Permit - Proximate Audience	234	0.4%	100%	702	3
Fireworks Permit - Additional Display Inspection	60	0.0%	100%	0	0
Totals				\$1,614	\$21

Blasting Permit (storage site) A permit is required for storage of explosives within the city. Site inspections are performed, as well as checks for a current city business license and certificate of insurance for the contractor.

Blasting Permit (use site) A permit is required to do blasting within the city. Site inspections are performed, as well as checks for a current city business license and certificate of insurance for the contractor.

Fireworks Permit - Ground Display A permit is required for a ground display of fireworks.

Fireworks Permit - Aerial A permit is required for an aerial display of fireworks.

Fireworks Permit - Proximate Audience A permit is required for all proximate audience fireworks. The use of proximate audience fireworks must be in accordance with the International Fire Code, NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience and Missouri Revised Statute 320.106 through 320.161, and the Springfield Fire Department policies.

Permit, Plan Review, and Inspection Fees
Fire

Fireworks Permit - Additional Display Inspection

All the fireworks permits include one display inspection. This fee will be assessed for each additional display at the same location.

**Permit, Plan Review, and Inspection Fees
Planning & Development Department**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Planned Development - Preliminary	\$2,263	\$2,164	105%	5	\$11,315
Planned Development - Final (Administrative)	733	686	107%	14	10,262
Planned Development - Final (Comm/Council)	803	1105	73%	0	0
Lot Line Adjustment	319	298	107%	10	3,190
Lot Combination - Substantial Impact	260	237	110%	0	0
Lot Combination - No Substantial Impact	47	45	104%	36	1,692
Subdivision Variance Independent of Prelim Plat	655	614	107%	0	0
Technology Fee	17%	18%	94%	65	4,254
Totals					\$30,713

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Planned Development - Preliminary	\$2,164	-4.4%	100%	\$10,820	-\$495
Planned Development - Final (Administrative)	686	-6.4%	100%	9,604	-658
Planned Development - Final (Comm/Council)	954	18.8%	86%	0	0
Lot Line Adjustment	298	-6.6%	100%	2,980	-210
Lot Combinations - Substantial Impact	237	-8.8%	100%	0	0
Lot Combinations - No Substantial Impact	45	-4.3%	100%	1,620	-72
Subdivision Variance Independent of Prelim Plat	614	-6.3%	100%	0	0
Technology Fee	18%	5.9%	100%	4,504	250
Totals				\$29,528	-\$1,185

Planned Development - Preliminary

The preliminary plan for property development that either cannot be accommodated by the existing zoning laws or that requires additional regulations to protect a neighborhood from the proposed development. A specific ordinance approved by the Planning and Zoning Commission and City Council is produced, which also specifies how the final development plan may be approved.

Planned Development - Final (Administrative)

Submitted site plan, which can be administratively approved, that shows specific development and how it complies with the preliminary development plan.

Planned Development - Final (Commission/Council)

Submitted site plan, which must be approved by the Planning and Zoning Commission and City Council, that shows specific development and how it complies with the preliminary development plan.

**Permit, Plan Review, and Inspection Fees
Planning & Development Department**

<u>Administrative Subdivision</u>	A subdivision of previously platted property with no public improvements that may be administratively approved.
<u>Lot Combination - Substantial Impact</u>	An administrative lot combination that substantially increases the potential for development or substantially increases demands on public infrastructure serving existing and proposed tracts, and parcels or lots.
<u>Lot Combination - No Substantial Impact</u>	An administrative lot combination that does not substantially increase the potential for development or does not substantially increase demands on public infrastructure serving existing and proposed tracts and parcels or lots.
<u>Subdivision Variance Independent of Preliminary Plat</u>	A request for modification of the standard subdivision regulations.
<u>Technology Fee</u>	An 18% technology fee is assessed on the city cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Planning & Development Department**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Board of Adjustment	\$1,201	\$1,181	102%	8	\$9,608
Conditional Use Permit	1,500	1,451	103%	4	6,000
Relinquishment of Easement	689	664	104%	17	11,713
Vacations	954	917	104%	10	9,540
Zonings	1,680	1,610	104%	35	58,800
Technology Fee	17%	18%	94%	74	15,560
Totals					\$111,221

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Board of Adjustment	\$1,181	-1.7%	100%	\$9,448	-\$160
Conditional Use Permit	1,451	-3.3%	100%	5,804	-196
Relinquishment of Easement	664	-3.6%	100%	11,288	-425
Vacations	917	-3.9%	100%	9,170	-370
Zonings	1,610	-4.2%	100%	56,350	-2,450
Technology Fee	18%	5.9%	100%	16,571	1,011
Totals				\$108,630	-\$2,591

Board of Adjustment

A property owner request for modification of the standard zoning ordinance regulations because strict enforcement of the regulations creates some type of hardship upon the utilization of the property.

Conditional Use Permit

Allows land to be used for certain specified uses subject to specified conditions.

Relinquishment of Easement

Legal measure where the City gives up its right to cross private property with public utility lines (gas, water, electric, sanitary sewer) because the easement is no longer needed.

Vacations

Changes the ownership of a street or alley from public to private, or voids a platted subdivision.

Zonings

A change in a property's zoning to allow a land use that is not under the existing zoning.

Technology Fee

An 18% technology fee is assessed on the city cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Planning & Development Department**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Preliminary Plat	\$1,603	\$1,508	106%	12	\$19,236
Preliminary Plat Renewal	750	728	103%	2	1,500
Final Plat (Administrative)	597	575	104%	13	7,761
Final Plat (Commission/Council)	1124	1081	104%	1	1,124
Final Plat Appeal	564	516	109%	0	0
Technology Fee	17%	18%	94%	28	4,778
Totals					\$34,399

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Preliminary Plat	\$1,508	-5.9%	100%	\$18,096	-\$1,140
Preliminary Plat Renewal	728	-2.9%	100%	1,456	-44
Final Plat (Administrative)	575	-3.7%	100%	7,475	-286
Final Plat (Commission/Council)	1081	-3.8%	100%	1,081	-43
Final Plat Appeal	516	-8.5%	100%	0	0
Technology Fee	18%	5.9%	100%	5,059	281
Totals				\$33,167	-\$1,232

Preliminary Plat The submission of preliminary plans to subdivide private property into sellable lots.

Preliminary Plat Renewal Required if the final plat is not submitted within one year of City Council approval of the preliminary plat.

Final Plat (Administrative) Final version of a subdivision that will be recorded, creating sellable lots. City staff may approve administratively if the final plat submittal conforms to the preliminary plat that was approved by City Council.

Final Plat (Commission/Council) Final version of a subdivision that must be approved by the Planning and Zoning Commission and City Council because it does not meet the adopted criteria for administrative approval.

Final Plat Appeal An appeal may be made to the Planning and Zoning Commission and City Council for approval of a final plat that was administratively denied.

Technology Fee An 18% technology fee is assessed on the city cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Planning & Development Department**

Application Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Administrative Tract Certification	\$28	\$30	93%	59	\$1,652
Annexation	876	859	102%	7	6,132
Master Sign Plan	457	438	104%	2	914
Request to Extend Security Agreement	112	109	103%	1	112
Street Name Change	644	627	103%	1	644
Subdivision Variance with Prelim Plat	51	50	102%	1	51
Zoning Certificate	47	44	107%	52	2,444
Technology Fee	17%	18%	94%	123	1,995
Totals					\$11,949

Application Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Administrative Tract Certification	\$30	7.1%	100%	\$1,770	\$118
Annexation	859	-1.9%	100%	6,013	-119
Master Sign Plan	438	-4.2%	100%	876	-38
Request to Extend Security Agreement	109	-2.7%	100%	109	-3
Street Name Change	627	-2.6%	100%	627	-17
Subdivision Variance with Prelim Plat	50	-2.0%	100%	50	-1
Zoning Certificate	44	-6.4%	100%	2,288	-156
Technology Fee	18%	5.9%	100%	2,112	117
Totals				\$11,732	-\$217

Administrative Tract Certification A property owner requests staff to certify that the subdivision of the tract was lawful under this ordinance at the time the existing property description was recorded or that the property existed in its present configuration prior to its annexation into the City or prior to March 26, 1956 (the date of the adoption of the present subdivision regulations).

Annexation An applicant would request the city to incorporate their property within the domain of the City of Springfield.

Master Sign Plan An applicant can apply for a master sign plan which would allow multiple on-premise signs as long as the effective area of the signs do not exceed the total allowed sign area for the zoning district.

**Permit, Plan Review, and Inspection Fees
Planning & Development Department**

<u>Request to Extend Security Agreement</u>	An applicant may request Section 303(2) of the Subdivision Regulations which states that the Commission "may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one additional year; provided a request for said extension is made prior to the end of the one year following recordation and provided the amount of said security agreement is revised pursuant to a revised estimate by the Department of Public Works."
<u>Street Name Change</u>	A citizen or the city may request to change a street name if there are any emergency management issues or inconsistencies with the current addressing system. Emergency Communications (E-911) requests many of these and we would not charge 911. We will only charge for private requests.
<u>Subdivision Variance with Prelim Plat</u>	An applicant will often request a subdivision variance at the same time as their preliminary plat. The subdivision variance is a request to vary from the City of Springfield subdivision regulations if certain criteria are met.
<u>Zoning Certificate</u>	An applicant would apply to have staff provide official certification of the zoning district of a particular property on the date the zoning certificate is issued. The zoning certificate also provides notice of any rezoning applications on file for the property in the Planning and Development Department office.
<u>Technology Fee</u>	An 18% technology fee is assessed on the City cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Planning & Development Department**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	Current Cost	Cost Recovery	Units of Service	Revenue Generated
Administrative Re-Plat - Commercial	\$1,064	\$1,040	102%	11	\$11,704
Administrative Re-Plat - Residential	855	838	102%	2	1,710
Administrative Condo	1178	1158	102%	2	2,356
Technology Fee	17%	18%	94%	15	2,623
Totals					\$18,393

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Administrative Re-Plat - Commercial	\$1,040	-2.3%	100%	\$11,440	-\$264
Administrative Re-Plat - Residential	838	-2.0%	100%	1,676	-34
Administrative Condo	1158	-1.7%	100%	2,316	-40
Technology Fee	18%	5.9%	100%	2,778	155
Totals				\$18,210	-\$183

Administrative Re-Plat Commercial and Residential

The subdivision of land shall be classified as an administrative re-plat if an existing lot in a previously recorded subdivision is subdivided into not more than five (5) tracts, parcels or lots, and does not include the dedication of a new street or other public way or change in existing streets or alleys. The only difference between commercial and residential is whether it is a subdivision or commercially or residentially zoned land.

Administrative Condo

The subdivision of an existing structure or structures on a lot of record into units on a common element.

Technology Fee

An 18% technology fee is assessed on the City cost for the license and maintenance of the electronic plan submission and review system.

**Permit, Plan Review, and Inspection Fees
Police**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Taxi Cab Driver Permit Fee	\$30	\$67	45%	88	\$2,640
Totals					\$2,640

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Taxi Cab Driver Permit Fee	\$40	33.3%	60%	\$3,520	\$880
Totals				\$3,520	\$880

Taxi Cab Driver Permit

A permit must be obtained to operate a taxi in the City of Springfield. The fee defrays the cost to administer testing of applicants and the review of the background check and processing for all applicants.

**Permit, Plan Review, and Inspection Fees
Public Health**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Farmers Market Permit	\$64	\$89	72%	46	\$2,944
Totals					\$2,944

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Farmers Market Permit	\$76	18.8%	85%	\$3,496	\$552
Totals				\$3,496	\$552

Farmers Market Permit Fee

A Farmers Market Permit is obtained by participating farmers market vendors who wish to prepare food at farmers markets in Springfield and Greene County. This permit was created at the request of farmers market vendors and managers. This permit will allow vendors to have a temporary food event set up to facilitate safe food handling practices while at farmers markets. The permit is valid in Springfield and Greene County for 1 year. The participating vendors are required to attend a farmers market food safety class, offered once a month, that reviews the conditions under which the vendors must prepare food. Similar to food event permits, the farmers market permits will receive 2 on site inspections and reinspections (if necessary).

**Permit, Plan Review, and Inspection Fees
Public Health**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Food Permit - High Priority Establishment	\$471	\$456	103%	601	\$283,071
Food Permit - Medium Priority Establishment	232	233	100%	412	95,584
Food Permit - Low Priority Establishment	124	135	92%	391	48,484
Totals					\$427,139

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Food Permit - High Priority Establishment	\$456	-3.2%	100%	\$274,056	-\$9,015
Food Permit - Medium Priority Establishment	233	0.4%	100%	95,996	412
Food Permit - Low Priority Establishment	135	8.9%	100%	52,785	4,301
Totals				\$422,837	-\$4,302

Food Permit

The Public Health Department inspects food establishments according to a priority-based model that evaluates and focuses on reducing the risk factors known to cause or contribute to food borne illness. There are three priority levels assigned to food establishments in this model program: low, medium, and high risk. An assessment tool based on several factors including the menu, number of meals served per day, inspection history and types of food preparation taking place is used to determine the appropriate priority level. Those food establishments falling into the low priority category will be inspected once annually, those that fall into the medium priority category will be inspected twice annually, and those that fall into the high priority category will be inspected three times annually. The emphasis is on promoting active managerial control of these risk factors by the food establishment. Reinspections and complaints are calculated into the fee study as well.

**Permit, Plan Review, and Inspection Fees
Public Health**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Temporary Food Establishment Permit	\$76	\$45	169%	184	\$13,984
Mobile Food Permit - High Priority Establishment	104	95	109%	74	7,696
Mobile Food Permit - Low Priority Establishment	52	57	91%	42	2,184
Totals					\$23,864

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Temporary Food Establishment Permit	\$45	-40.8%	100%	\$8,280	-\$5,704
Mobile Food Permit - High Priority Establishment	95	-8.7%	100%	7,030	-666
Mobile Food Permit - Low Priority Establishment	57	9.6%	100%	2,394	210
Totals				\$17,704	-\$6,160

Temporary Food Establishment Permit

A temporary food establishment is defined as a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration. This does not include: sales of non-potentially hazardous, prepackaged food; produce stands that sell only whole, uncut fruits and vegetables; non-potentially hazardous foods prepared in a private home for farmer's markets or bake sales; sampling in an established retail setting or trade show to promote the sale of the product being sampled; and closed events with invited guests, such as wedding receptions.

Mobile Food Establishment Permit - Priorities

A mobile food permit is for self-contained mobile concession units that have a source of pressurized hot water from a portable water supply and a wastewater tank to store waste water that sells potentially hazardous products. Mobile trailers, as well as push-carts (that prepare food on the cart), are on wheels and can be easily moved from vending site to vending site. A priority assessment tool is used to determine if a mobile unit is a High or Low priority. High priority units are inspected more often than Low.

**Permit, Plan Review, and Inspection Fees
Public Works**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Commercial Driveway Permit	\$108	\$168	64%	30	\$3,240
Residential Driveway Permit					
Improved	68	90	76%	101	6,868
Unimproved	84	127	66%	27	2,268
Right of Way Excavation Permit	29	41	70%	1014	29,406
Right of Way Excavation Inspection	99	142	70%	900	89,100
Totals					\$130,882

Service Description	Proposed Fees for 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Commercial Driveway Permit	\$138	27.8%	82%	\$4,140	\$900
Residential Driveway Permit					
Improved	79	16.2%	88%	7,979	1,111
Unimproved	107	27.4%	84%	2,889	621
Right of Way Excavation Permit	35	20.7%	85%	35,490	6,084
Right of Way Excavation Inspection	122	23.2%	86%	109,800	20,700
Totals				\$160,298	\$29,416

Driveway Permit

Permits must be obtained for all driveway construction and improvements. **Improved** refers to a driveway which connects to a street with concrete curbs and gutters. **Unimproved** refers to a driveway which connects to a street without concrete curbs and gutters.

Right of Way Excavation Permit

Permits must be obtained to perform excavations in the City's rights-of-way.

Right of Way Excavation Inspection

An inspection fee is charged when an excavation does not involve any City-performed street repair. This typically means that it's an excavation in an alley or on the right-of-way off to the side of the street, as is typical of phone company projects.

**Permit, Plan Review, and Inspection Fees
Public Works/Environmental Services**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Public Improvement Fee	5%	5%	100%	31	\$112,474
Technology Fee	0.34%	0.36%	94%	31	7,648
Totals					\$120,122

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Public Improvement Fee	5%	0.0%	100%	\$112,474	\$0
Technology Fee	0.36%	5.9%	100%	8,098	450
Totals				\$120,572	\$450

Public Improvement Fee

Projects completed by private developers for streets, storm sewer and sanitary sewer public improvement are assessed an engineering and inspection fee. The fee, via City Council ordinance 5085, is 5% of the project cost. For FY15, there were \$2.25 Million in improvement projects.

Technology Fee

The technology fee for public improvements, based on a percentage of the project cost, is an additional .36%. This percentage will capture the portion of the license and maintenance of the electronic submission and review system for this division.

**Permit, Plan Review, and Inspection Fees
Public Works**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	Current Cost	Cost Recovery	Units of Service	Revenue Generated
Encroachment Permit	\$125	\$145	86%	1	\$125
Encroachment Permit-Council Action	0	222	0%	0	0
Totals					\$125

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Encroachment Permit	\$137	9.6%	94%	\$137	\$12
Encroachment Permit-Council Action	222	0.0%	100%	0	0
Totals				\$137	\$12

Encroachment Permit

A permit is required for an encroachment on public right-of-way. Section 98-321 of City Code defines encroachments as any structure, building, fixture, sign or other object belonging to any person which has been constructed, installed or placed on, in over or under any public street, public sidewalk or public right-of-way, other than encroachments which will remain in place for a temporary period of time not in excess of thirty (30) days that have been approved by the city in connection with an event for which a permit has been issued by the city. Section 98-324 of City Code gives authority to the Public Works Director to issue a license agreement for new awnings, canopies, planters, street furniture or sidewalk cafes.

Encroachment Permit-Council Action

Encroachments not defined in Section 98-321 of City Code require City Council action. The cost of the permit includes the staff time indicated above as well as Assistant City Attorney's time for council bill preparation time.

**Permit, Plan Review, and Inspection Fees
Public Works**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Taxicab and Wrecker Inspection	\$22	\$29	75%	104	\$2,288
Totals					\$2,288

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Taxicab and Wrecker Inspection	\$29	32.8%	100%	\$3,039	\$751
Totals				\$3,039	\$751

Taxicab and Wrecker Inspection

Taxicabs and wreckers are inspected annually for compliance with safety and equipment requirements.

Licensing Fees

There are four fees identified in this section. They are for issuing letters of approval for catering, determining liquor license location restrictions, and background investigations for tanning location security and escort services. The recommended fee for issuing catering letters is set according to State Statute Section 311.485. There have not been any changes made to this statute during the current year, so the fee will remain the same.

Licensing Fees
Finance - Licensing

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
After-Hours Establishment Investigation	\$112	\$110	102%	0	\$0
Totals					\$0

Proposed Fees for FY 16-17

Service Description	Proposed Fee	%Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
After-Hours Establishment Investigation	\$110	-2.1%	100%	\$0	\$0
Totals				\$0	\$0

After-Hours Establishment Investigation

In March of 2011, Springfield City Council passed Ordinance 5923 that establishes the regulations and licensing requirements for after-hours establishments. City Code provides for the recovery of the costs incurred by the City to perform background investigation of applicants for permission to operate an after-hours establishment.

Licensing Fees
Finance - Licensing

Current Status Based on FY 14-15 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Letters of Approval for Catering	\$15-\$30/day	N/A			
Liquor License Location Investigation	\$71	\$90	79%	56	\$3,976
Totals					\$3,976

Proposed Fees for FY 16-17					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Letters of Approval for Catering	\$15-\$30/day	N/A			
Liquor License Location Investigation	\$81	14.1%	90%	\$4,536	\$560
Totals				\$4,536	\$560

Letters of Approval for Catering Fee to be charged is set by Missouri Statute sections 311.220 and 311.485 of the Liquor Control Law. These letters of approval are for caterers or other persons holding licenses to serve liquor at a particular function, occasion or event at a particular location other than the licensed premises.

Liquor License Location Investigation- Determining Restrictions When a liquor license application is submitted, investigation of the location for licensing restrictions is required. The investigation involves checking restrictions regarding zoning, residential zoned property, church, park, school and other liquor license locations.

Licensing Fees
Finance - Licensing

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Tanning Location Security & Background Fee	\$80	\$209	38%	5	\$400
Escort Service License Application Fee	30	184	16%	3	90
Totals					\$490

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Tanning Location Security & Background Fee	\$108	35.0%	52%	\$540	\$140
Escort Service License Application Fee	40	33.3%	22%	120	30
Totals				\$660	\$170

Tanning Location Security & Background Fee

In February of 2007, Springfield City Council passed Ordinance 5653 that added certain provisions regulating the licensing and operation of tanning salons and businesses. For compliance with this ordinance, security and background checks are reviewed by the City on persons engaging in this type of business activity. This fee recovers the costs incurred by the Licensing and Police Departments in performing this task.

Escort Service License Application Fee

In March of 1996, Springfield City Council passed Ordinance 4597 to change the provisions regulating the licensing of escort services. For compliance with this ordinance, upon the initial application, background checks are reviewed by the City on persons engaging in this type of activity. Escort business owners as well as individual employee escorts must obtain this license. This fee recovers the costs incurred by the Licensing and Police Departments in performing the background investigation and license process.

Charges for Services

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

**Charges for Services
Art Museum**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Auditorium Reservation & Event Setup	\$297	\$273	109%	103	\$30,591
Art Museum Auditorium Rental (Hourly)	54	59	91%	103	5,562
Security Officer per hour	46	44	104%	76	3,496
Totals					\$39,649

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Auditorium Reservation & Event Setup	\$273	-8.1%	100%	\$28,119	-\$2,472
Art Museum Auditorium Rental (Hourly)	59	9.3%	100%	6,077	515
Security Officer per hour	44	-4.3%	100%	3,344	-152
Totals				\$37,540	-\$2,109

Auditorium Reservation & Event Setup

A refundable cleaning deposit of \$100 is required at the time of application.

Art Museum Auditorium Rental (Hourly)

The auditorium located in the Springfield Art Museum may be rented to the public for events. The Art Museum has the authority to charge up to full cost recovery for the facility based on size of group and type of rental.

Security Officer per hour

Events over 200 participants will require an additional Security Officer for every additional 50 guests. Outside of normal business hours, personnel cost is calculated at 150% of the standard rate.

**Charges for Services
Fire**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Fire Station Room Rental	\$45	\$46	98%	627	\$28,215
Totals					\$28,215

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Fire Station Room Rental	\$46	2.2%	100%	\$28,842	\$627
Totals				\$28,842	\$627

Community Room Rental

Community Rooms are located at five Springfield Fire Stations and may be rented to the public for meetings and events. This fee is per rental, for up to 8 hours. This fee is waived for other public agencies and government entities requiring the room(s) for their official business.



Charges for Services

Fire

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Regional Fire Training Center					
Fire training building (2-hour minimum)	\$26	\$ 34	77%	45	\$1,170
Fire Engine per hour (2-hour minimum)	50	91	55%	0	0
Ladder Truck per hour (2-hour minimum)	100	141	71%	0	0
Gear Cleaning	12	50	24%	0	0
Totals					\$1,170

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Regional Fire Training Center					
Fire training building (2-hour minimum)	\$30	15.4%	89%	\$1,350	\$180
Fire Engine per hour (2-hour minimum)	50	0.0%	55%	0	0
Ladder Truck per hour (2-hour minimum)	100	0.0%	71%	0	0
Gear Cleaning	30	150.0%	61%	0	0
Totals				\$1,350	\$180

Fire Training Building

Fire training buildings include; flashover building, burn building and the Positive Pressure Attack (PPA) building. This fee includes inclusive use of the facility. Additional instruction and consumable materials used, will be charged based on actual costs.

Equipment

At least one driver/operator with the Springfield Fire Department must be used.

Gear Cleaning

Gear cleaning service includes firefighter, detergent and use of the extractor. 4-6 sets of gear may be cleaned in one use.

Personnel (various)

The rate for use of Springfield Fire personnel is equivalent to the Event Activities rate defined within the fee study.

Charges for Services

Fire

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Staff and equipment rates for event activities					
Firefighter per hour	\$29	\$30	97%	36	\$1,030
Equip. Operator/Rescue Specialist per hour	39	38	102%	36	1,385
Fire Captain per hour	44	44	99%	36	1,562
Fire Marshall per hour	47	47	99%	32	1,481
Battalion Chief per hour	52	53	98%	0	0
Assistant Fire Chief per hour	81	81	100%	0	0
Fire Chief per hour	113	114	99%	0	0
Fire Truck - Pump per hour	85	91	93%	0	0
Fire Truck - No Ladder	42	42	100%	0	0
Fire Truck - Ladder 75ft per hour	135	135	100%	0	0
Fire Truck - Ladder 100ft per hour	150	141	106%	0	0
Ford Expedition per hour	22	26	85%	0	0
Mobile Command Post Vehicle (RV) per hour	31	31	100%	0	0
Mobile Command Center (Trailer) per hour	4	4	100%	0	0
Pickup Truck per hour	26.00	26.00	100%	0	0
Totals					\$5,457

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Staff and equipment rates for event activities					
Firefighter per hour	\$30	3.4%	100%	\$1,065	\$36
Equip. Operator/Rescue Specialist per hour	38	-2.6%	100%	1,349	-36
Fire Captain per hour	44	0.0%	100%	1,562	0
Fire Marshall per hour	47	0.0%	100%	1,481	0
Battalion Chief per hour	53	1.9%	100%	0	0
Assistant Fire Chief per hour	81	0.0%	100%	0	0
Fire Chief per hour	114	0.9%	100%	0	0
Fire Truck - Pump per hour	91	7.1%	100%	0	0
Fire Truck - No Ladder	42	0.0%	100%	0	0
Fire Truck - Ladder 75ft per hour	135	0.0%	100%	0	0
Fire Truck - Ladder 100ft per hour	141	-6.0%	100%	0	0
Ford Expedition per hour	26	18.2%	100%	0	0
Mobile Command Post Vehicle (RV) per hour	31	0.0%	100%	0	0
Mobile Command Center (Trailer) per hour	4	0.0%	100%	0	0
Pickup Truck per hour	26	0.0%	100%	0	0
Totals				\$5,457	\$0

Charges for Services

Fire

Event Activities

City code provides for the recover of the costs incurred by the City when an event requires fire department personnel to be called in off-duty.

Off-duty personnel cost is calculated at 125% of the standard rate. One hour will be added to the cost per position to cover travel to and from the event site.

The department requires a minimum of 4 hours per position, per day for call-in.

Charges for Services

Fire

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Staff and equipment rates for a hazardous substance release					
Firefighter per hour	\$24	\$24	100%	0	\$0
Equip. Operator/Rescue Specialist per hour	31	30	102%	0	0
Fire Captain per hour	35	35	99%	0	0
Fire Marshall per hour	38	38	100%	0	0
Battalion Chief per hour	42	42	100%	0	0
Assistant Fire Chief per hour	65	65	100%	0	0
Fire Chief per hour	90	91	99%	0	0
Fire Truck - Pump per hour	85	91	93%	0	0
Fire Truck - No Ladder	42	42	100%	0	0
Fire Truck - Ladder 75ft per hour	135	135	100%	0	0
Fire Truck - Ladder 100ft per hour	150	160	94%	0	0
Ford Expedition per hour	22	27	81%	0	0
Mobile Command Post Vehicle (RV) per hour	31	31	100%	0	0
Mobile Command Center (Trailer) per hour	4	4	100%	0	0
Pickup Truck per hour	26.00	26.00	100%	0	0
Totals					\$0

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Staff and equipment rates for a hazardous substance release					
Firefighter per hour	\$24	0.0%	100%	\$0	\$0
Equip. Operator/Rescue Specialist per hour	30	-1.7%	100%	0	0
Fire Captain per hour	35	1.2%	100%	0	0
Fire Marshall per hour	38	0.0%	100%	0	0
Battalion Chief per hour	42	0.0%	100%	0	0
Assistant Fire Chief per hour	65	0.0%	100%	0	0
Fire Chief per hour	91	1.1%	100%	0	0
Fire Truck - Pump per hour	91	7.1%	100%	0	0
Fire Truck - No Ladder	42	0.0%	100%	0	0
Fire Truck - Ladder 75ft per hour	135	0.0%	100%	0	0
Fire Truck - Ladder 100ft per hour	160	6.7%	100%	0	0
Ford Expedition per hour	27	22.7%	100%	0	0
Mobile Command Post Vehicle (RV) per hour	31	0.0%	100%	0	0
Mobile Command Center (Trailer) per hour	4	0.0%	100%	0	0
Pickup Truck per hour	26.00	0.0%	100%	0	0
Totals				\$0	\$0

Charges for Services
Fire

Hazardous Substance Release

City code provides for the recovery of the costs of a hazardous substance release if any of the following circumstances are met: when level A or B protection is used; when the on-scene time exceeds 2 hours; when the loss of equipment/supplies is greater than \$50.00; or is outside the City of Springfield.

Incidents not involving fire, standard rate applies with no charge for the first hour. Incidents involving fire, 50% of the standard rate applies with no charge for the first hour.

Responses outside the City of Springfield; on-duty personnel the standard rate applies; recalled personnel 125% of the standard rate applies.

Cost of supplies and damaged equipment, actual replacement costs apply.

**Charges for Services
Municipal Court**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Access to Conviction Records (Per Name)	\$8	\$8	100%	456	\$3,648
Totals				456	\$3,648

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Access to Conviction Records (Per Name)	\$8	0.0%	100%	\$3,648	\$0
Totals				\$3,648	\$0

Access to Conviction Records

Research court conviction records for individual names as requested. The charge is for each name to be researched.

**Charges for Services
Planning and Development**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Chapter 99 Redevelopment Plan and Blight Report	\$1,752	\$1,610	109%	3	\$5,256
Chapter 99 Redevelopment Plan Only	1,364	1,249	109%	4	5,456
Request for Chapter 99 Property Tax Abatement	359	334	108%	10	3,590
Totals					\$14,302

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Chapter 99 Redevelopment Plan and Blight Report	\$1,610	-8.1%	100%	\$4,829	-\$427
Chapter 99 Redevelopment Plan Only	1,249	-8.4%	100%	4,997	-459
Request for Chapter 99 Property Tax Abatement	334	-7.1%	100%	3,336	-254
Totals				\$13,163	-\$1,139

Chapter 99 Redevelopment Plan and Blight Report

The Planning and Development Department processes and reviews applications containing a blight report and redevelopment plan submitted pursuant to Section 99.300-99.715, RSMo, the Land Clearance for Redevelopment Authority Law ("Chapter 99") that request City Council make a determination of blight within a proposed redevelopment area and approve a redevelopment plan to facilitate redevelopment.

Chapter 99 Redevelopment Plan Only

The Planning and Development Department process and reviews applications containing a redevelopment plan submitted pursuant to Section 99.300-99.715, RSMo, the Land Clearance for Redevelopment Authority Law ("Chapter 99") that request City Council to approve plans for the redevelopment of a proposed redevelopment area. A blight report and determination of blight is not necessary if the proposed redevelopment area is currently blighted pursuant to Chapter 99.

Request for Chapter 99 Property Tax Abatement

The Planning and Development Department processes and reviews applications requesting the Land Clearance for Redevelopment Authority to authorize partial real property tax abatement for projects that are consistent with an approved redevelopment plan.

**Charges for Services
Planning and Development**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Chapter 353 Fee	\$2,038	\$1,937	105%	2	\$4,076
Totals					\$4,076

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Chapter 353 Fee	\$1,937	-5.0%	100%	\$3,873	-\$203
Totals				\$3,873	-\$203

Service Description	The Planning and Development Department processes and reviews applications filed by urban redevelopment cooperations pursuant to Chapter 353, RSMo and Chapter 36, Springfield City Code that request City Council make a determination of blight within a proposed redevelopment area, approve a redevelopment plan, and authorize partial real property tax abatement to facilitate redevelopment.
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**Charges for Services
Police**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Accident/Incident Report	\$2	\$2	100%	24,550	\$49,100
Totals					\$49,100

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Accident/Incident Report	\$2	0.0%	100%	\$49,100	\$0
Totals				\$49,100	\$0

Accident/Incident Report _____ Accident and incident reports may be purchased through the Police Department. The charge is for each report requested.

**Charges for Services
Police**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Police Firing Range Per Hour	\$50	\$84	60%	239	\$11,950
Totals					\$11,950

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Police Firing Range Per Hour	\$67	34.0%	80%	\$16,013	\$4,063
Totals				\$16,013	\$4,063

Police Firing Range Per Hour

This facility has 20 shooting stations which allows for 100 yard targets. There is also a 25-yard range available for 16 additional stations. Staff will be on hand for use of facilities. This service is only available to other law enforcement agencies. All agencies must bring their own ammunition and cleaning supplies.

**Charges for Services
Public Health**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Animal Turn-in by Owner	\$20	\$37	54%	259	\$5,180
Totals					\$5,180

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Animal Turn-in by Owner	\$20	0.0%	54%	\$5,180	\$0
Totals				\$5,180	\$0

Animal Turn-in by Owner

This fee will cover expenses incurred from officer time gathering information from owner relinquishing animal, performing a wellness check, taking the animal's photo and loading it onto the database. Also covers the cost of food for the first day and kennel cleaning services. Mother animal brought in with litter will be treated as one animal for charging purposes. The fee has been set at \$20 because the City believes that the cost should not be so high that it would discourage citizens from turning in animals.

**Charges for Services
Public Health**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Animal Vaccination	\$8	\$28	29%	1851	\$14,808
Totals					\$14,808

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Animal Vaccination	\$8	0.0%	29%	\$14,808	\$0
Totals				\$14,808	\$0

Animal Vaccination

The fee will cover the cost of vaccinating shelter animals against disease, preventing kennel cough, deworming those animals with symptoms and all puppies. The fee is not collected at 100% cost recovery because the City believes that the cost should not be so high that it would discourage rescue groups from selecting shelter animals. The fee has been set at \$8 per animal.

**Charges for Services
Public Health**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Hepatitis B testing	\$44	\$73	61%	31	\$1,364
Totals					\$1,364

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Hepatitis B testing	\$58	32.5%	80%	\$1,807	\$443
Totals				\$1,807	\$443

Hepatitis B testing

The Public Health Department charges for a Hepatitis B surface antigen screening. The screening tool is used to detect acute cases of illness caused by the Hepatitis B virus. Blood is drawn at the Health Department by Laboratory staff and sent to an outside agency for testing.

**Charges for Services
Public Health**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Springfield Resident Fee					
Tuberculosis T Spot Testing	\$76	\$79	97%	42	\$3,192
Non-Springfield Resident Fee					
Tuberculosis T Spot Testing	76	79	97%	5	380
Tuberculosis Skin Test	26	26	100%	0	0
Tuberculosis Case Management	64	45	144%	1	64
Totals					\$3,636

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Springfield Resident Fee					
Tuberculosis T Spot Testing	\$79	3.9%	100%	\$3,318	\$126
Non-Springfield Resident Fee					
Tuberculosis T Spot Testing	79	3.9%	100%	395	15
Tuberculosis Skin Test	26	0.0%	100%	0	0
Tuberculosis Case Management	45	-29.7%	100%	45	-19
Totals				\$3,758	\$122

Tuberculosis T Spot Testing

The Public Health Department offers T Spot testing. The screening tool is used to detect cases of latent tuberculosis infection or active tuberculosis disease. Blood is drawn by a Health Department employee and sent to an outside laboratory for analysis.

Tuberculosis Skin Test

The Public Health Department offers tuberculosis skin testing. The screening tool is used to detect cases of latent tuberculosis infection or active tuberculosis disease.

Tuberculosis Case Management

The Public Health Department provides one-on-one attention to clients with latent tuberculosis infection or tuberculosis disease. Clients meet with a nurse case manager on a routine basis during the treatment period to assess the patient's physical response to the medication and to ensure the medication is taken properly. Blood is drawn at the Health Department by nursing staff and sent to an outside source for testing.

Non-Springfield Resident Fees

Residents within Springfield pay for public health services through a property mil tax. Non-Springfield residents do not pay this tax; these fees recover the services provided for non-residents.

**Charges for Services
Public Health**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Thermometer Calibration	\$66	\$69	96%	3	\$198
Totals					\$198

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Thermometer Calibration	\$69	4.5%	100%	\$207	\$9
Totals				\$207	\$9

Thermometer Calibration Fee

The Public Health Department charges for the calibration of precision thermometers. Calibration is performed to assure temperature dependent processes are within acceptable parameters. To be considered accurate, a thermometer must be calibrated to measure within +/- 0.5° F. This service is utilized by milk inspectors.



**Charges for Services
Public Health**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Vaccine Administration Fee	\$36	\$34	106%	2127	\$76,572
Vaccine Administration Fee - Food Handlers	5	34	15%	344	1,720
Vaccine Administration Fee - Non-Springfield Resident	59	64	92%	1853	109,327
Totals					\$187,619

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Vaccine Administration Fee	\$34	-5.6%	100%	\$72,318	-\$4,254
Vaccine Administration Fee - Food Handlers	5	0.0%	15%	1,720	0
Vaccine Administration Fee - Non-Springfield Resident	64	8.5%	100%	118,592	9,265
Totals				\$192,630	\$5,011

Vaccine Administration Fee The Public Health Department charges an administration fee for adult vaccinations given to individuals, and work groups as requested for employment. Food handlers are charged a minimal fee for the administration of the Hepatitis A vaccine. The rationale for a reduced administration fee charge for the food handlers is the public health safety issue and to reduce barriers to receiving the vaccine.

Non-Springfield Resident Fee Residents within the City of Springfield pay for public health services through a property mil tax. Non-Springfield residents do not pay this tax; this fee recovers the vaccine administration for non-Springfield residents.

**Charges for Services
Public Works**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Hazelwood Cemetery (Burial Services)					
Open/Close - Adult Grave	\$891	\$926	96%	98	\$87,318
Open/Close - Infant Grave	543	644	84%	2	1,086
Open/Close - Cremains	428	529	81%	27	11,556
Open/Close - Infant & Cremains With Family Preparation	378	525	72%	0	0
Additional Fee for Weekend/Holiday Services	539	393	137%	19	10,241
Disinterment Charges - Adults	893	1,205	74%	2	1,786
Disinterment Charges - Infants	700	601	116%	0	0
Disinterment Charges - Cremains	356	601	59%	0	0
Lot Sales	800	57		92	73,600
Lot Sales - Infant	270	57		1	270
Lot Sales - Historical Graves	1,032	125		7	7,224
Lot Sales - Reinstated Graves	1,246	502		0	0
Totals					\$185,587

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change Cost	New Cost Recovery	Projected Service	Change Generated
Hazelwood Cemetery (Burial Services)					
Open/Close - Adult Grave	\$891	0.0%	96%	\$87,318	\$0
Open/Close - Infant Grave	543	0.0%	84%	1,086	0
Open/Close - Cremains	428	0.0%	81%	11,556	0
Open/Close - Infant & Cremains With Family Preparation	378	0.0%	72%	0	0
Additional Fee for Weekend/Holiday Services	393	-27.1%	100%	7,467	-2,774
Disinterment Charges - Adults	983	10.1%	82%	1,966	180
Disinterment Charges - Infants	601	-14.1%	100%	0	0
Disinterment Charges - Cremains	392	10.1%	65%	0	0
Lot Sales	800	0.0%		73,600	0
Lot Sales - Infant	270	0.0%		270	0
Lot Sales - Historical Graves	1,032	0.0%		7,224	0
Lot Sales - Reinstated Graves	1,246	0.0%		0	0
Totals				\$182,993	-\$2,594

Open/Close - Adult/Infant Grave/Cremains The charge for preparing the grave site for an adult or infant burial or burial of remains of cremation.

Charges for Services
Public Works Department

<u>Open/Close - Infant & Cremains With Family Preparation</u>	The charge to mark the grave and provide materials for an infant or cremains burial, where the family wishes to prepare the grave. Cemetery staff ensures proper tamp/close of the grave.
<u>Additional Fee for Weekend/Holiday Services</u>	The charge for Saturday, Sunday or holiday burial services is increased due to the cost of overtime for employees performing the service.
<u>Disinterment Charges</u>	The charge for moving the remains from one grave site to another.
<u>Lot Sales</u>	The charge for a lot sale provides funding for the perpetual care of the cemetery and is set at a rate to not undercut the prices charged by the other local cemeteries. The charge for an infant lot is based portionally to the size of an adult grave.
<u>Lot Sales - Historical Graves</u>	The lot sale and the charge for researching and field verifying leftover plots throughout the cemetery.
<u>Lot Sales - Reinstated Graves</u>	State statute allows the City to declare graves abandoned if unused for more than 75 years. The charge recovers the cost of filing the public notices and recording fee, conducting field study of the lot and research by the City Attorney's Office.

**Permit, Plan Review, and Inspection Fees
Public Works**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Street Sweeping Service Mobilization Fee	\$165	\$190	87%	1	\$165
Street Flushing Service Mobilization Fee	108	118	92%	1	108
Street Sweeping Per Square Foot	0.0031	0.0036	85%	2,444,000	7,576
Street Flushing Per Square Foot	0.0025	0.0027	93%	1,816,000	4,540
Totals					\$12,389

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Street Sweeping Service Mobilization Fee	\$183	9.8%	96%	\$183	\$18
Street Flushing Service Mobilization Fee	118	8.5%	100%	118	10
Street Sweeping Per Square Foot	0.0036	14.5%	100%	8,862	1,285
Street Flushing Per Square Foot	0.0027	7.4%	100%	4,904	364
Totals				\$14,067	\$1,678

Mobilization Fees

Mobilization fees are the minimum fee required to prepare the equipment and to provide the operator and equipment on site.

Square Foot Fees

The service the equipment operator provides includes, labor and equipment per unit of measure cleaned.

**Charges for Services
Public Works**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Concrete/Excavation Crew Mobilization Fee	\$567	\$647	88%	0	\$0
Saw Cut Crew Mobilization Fee	180	202	89%	0	0
Asphalt Crew Mobilization Fee	311	342	91%	0	0
Finish Grading Crew Mobilization Fee	240	276	87%	0	0
Repair Services:					
Concrete Pavement	3.52/SF	3.69	95%	55,423	195,089
Sidewalk	4.28/SF	4.59	93%	6,199	26,532
Asphalt cap, 2"	2.24/SF	2.40	93%	36,574	81,926
Asphalt cap, temporary	2.09/SF	2.22	94%	35,396	73,978
Asphalt Stamping	6.59/SF	7.01	94%	707	4,658
Finish Grading	1.04/SF	1.14	91%	8,554	8,896
Concrete Curb	13.90/LF	15.74	88%	518	7,200
Concrete Curb and Gutter	28.83/LF	32.50	89%	408	11,763
Saw Cut	2.16/LF	2.27	95%	7,480	16,157
Bricks	2.62 ea	2.92	90%	0	0
ADA Ramp	350.00 ea	1,365	26%	19	6,650
Totals					\$432,848

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Concrete/Excavation Crew Mobilization Fee	\$623	9.9%	96%	\$0	\$0
Saw Cut Crew Mobilization Fee	198	10.0%	98%	0	0
Asphalt Crew Mobilization Fee	342	10.0%	100%	0	0
Finish Grading Crew Mobilization Fee	264	10.0%	96%	0	0
Repair Services:					
Concrete Pavement	3.69	4.9%	100%	204,708	9,619
Sidewalk	4.59	7.2%	100%	28,444	1,913
Asphalt cap, 2"	2.40	7.0%	100%	87,687	5,761
Asphalt cap, temporary	2.22	6.2%	100%	78,535	4,558
Asphalt Stamping	7.01	6.3%	100%	4,954	296
Finish Grading	1.14	10.1%	100%	9,794	898
Concrete Curb	15.30	10.1%	97%	7,925	725
Concrete Curb and Gutter	31.75	10.1%	98%	12,954	1,191
Saw Cut	2.27	5.3%	100%	17,014	858
Bricks	2.88	9.9%	99%	0	0
ADA Ramp	472.00	34.9%	35%	8,968	2,318
Totals				\$460,983	\$28,135

Mobilization Fees Mobilization fees are the minimum fee required to provide a crew and equipment on site, prepare the site, setup, and tear down.

Repair Services: The service the crew provides includes labor, equipment and materials per unit of measure.

**Charges for Services
Public Works**

Service Description	Current Status Based on FY 14-15 Data				Proposed Charges for FY 16-17		
	Size	Current Fee	City Cost	Cost Recovery	Proposed Fee	% Change in Fee	New Cost Recovery
Regulatory Signs:							
STOP	30"	\$104	\$111	94%	\$111	6.7%	100%
STOP	36"	113	120	94%	120	6.2%	100%
30" STOP with All Way Plaque	30"	112	118	95%	118	5.4%	100%
36" STOP with All Way Plaque	36"	129	135	96%	135	4.7%	100%
30" STOP with double street names (6 3/4")	-	161	165	98%	165	2.5%	100%
30" STOP with double street names (9")	-	183	187	98%	187	2.2%	100%
30" STOP with double street names and cross traffic does not stop (6 3/4")	-	180	183	98%	183	1.7%	100%
30" STOP with double street names and cross traffic does not stop (9")	-	202	205	99%	205	1.5%	100%
30" STOP with double street names and Street Ends or No Outlet (6 3/4")	-	191	194	98%	194	1.6%	100%
30" STOP with double street names and Street Ends or No Outlet (9")	-	223	226	99%	226	1.3%	100%
30" STOP with double one way arrow	-	127	133	95%	133	4.7%	100%
30" STOP with double one way arrows (back to back)	-	128	134	96%	134	4.7%	100%
30" STOP with double one way arrows and cross traffic does not stop	-	147	153	96%	153	4.1%	100%
YIELD	36"	98	105	93%	105	7.1%	100%
Right Lane Must Turn Right	30 x 30	105	112	94%	112	6.7%	100%
Center Lane Sign	24 x 30	104	111	94%	111	6.7%	100%
One Way	12 x 36	94	101	93%	101	7.4%	100%
One Way (double sided)	12 x 36	100	107	93%	107	7.0%	100%
DO NOT ENTER	30 x 30	105	112	94%	112	6.7%	100%
Speed Limit 20/25/30/35/40	24 x 30	100	107	93%	107	7.0%	100%
Speed Limit 25 with yellow border	32 x 42	115	122	94%	122	6.1%	100%
No Left/Right/U-turn Turn (symbol)	24 x 24	97	104	93%	104	7.2%	100%
Keep Right (symbol) with Stripe Board (8 x 18)	18 x 24	100	107	93%	107	7.0%	100%
Keep Right (symbol) with Stripe Board (12 x 36)	24 x 30	110	116	95%	116	5.5%	100%
No Parking; 2hr Parking; Res Permit Parking; Handicap Parking	12 x 18	88	95	93%	95	8.0%	100%
No Parking; No Parking, Stopping, Standing; Loading Zone	18 x 24	96	102	94%	102	6.3%	100%
Replace Pole with Existing Sign	-	78	85	92%	85	9.0%	100%
Reset Existing Sign	-	60	67	90%	66	10.0%	99%

Signs in **bold type** are typical signs that would be installed in a new subdivision.

**Charges for Services
Public Works, continued**

Service Description	Current Status Based on FY 14-15 Data			Proposed Charges for FY 16-17			
	Size	Current Fee	City Cost	Cost Recovery	Proposed Fee	% Change in Fee	New Cost Recovery
Warning Signs:							
End of Roadway Diamonds	18 x 18	\$91	\$98	93%	\$98	7.7%	100%
Stripe Board	12 X 36	94	101	93%	101	7.4%	100%
Curve Warning / Stop Ahead/ Signal Ahead/ Intersection Ahead	30 x 30	105	112	94%	112	6.7%	100%
Curve Warning with Advisory Speed Plaque	-	116	123	94%	123	6.0%	100%
Direction Arrow (L/R/D) with 2 Stripe Boards	-	137	143	96%	143	4.4%	100%
Chevron	18 x 24	93	100	93%	100	7.5%	100%
Splitter Island Sign; No Trespassing	24 x 24	97	104	93%	104	7.2%	100%
Advance Railroad Warning	30"	102	109	94%	109	6.9%	100%
Cross Traffic Does Not Stop	18 x 30	96	103	93%	103	7.3%	100%
Pedestrian Signs:							
Pedestrian / School Crosswalk with diagonal arrow, AHEAD, or SCHOOL plaque	-	132	139	95%	139	5.3%	100%
Pedestrian / School Crosswalk with diagonal arrow or AHEAD plaque and Sign Post Panel	-	175	182	96%	182	4.0%	100%
Street Name Signs:							
Double Sided Blade	6 3/4 x 30	106	111	95%	111	4.7%	100%
Double Sided Blade/No Outlet/Street Ends	6 3/4 x 36	109	114	96%	114	4.6%	100%
Double Sided Blade	6 3/4 x 42	112	118	95%	118	5.4%	100%
Double Sided Blade/No Outlet/Street Ends	9 x 36	113	118	96%	118	4.4%	100%
Double Sided Blade	9 x 42	117	122	96%	122	4.3%	100%

Traffic Signs

Charges to developers for the City to install the initial set of traffic signs in a new subdivision. Developers have the option to have the signs fabricated by a private contractor and install the signs themselves with no charge paid to the City; however the signs must meet the City sign standards for material and installation hardware. The charges are also used for traffic signs damaged in auto accidents.

Signs in **bold type** are typical signs that would be installed in a new subdivision.



Ordinance Violation Charges

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

**Ordinance Violation Charges
Building Development Services**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Weed Investigation and Processing	\$86	\$77	112%	298	\$25,628
Nuisance Investigation and Processing	86	169	51%	117	10,062
Abatement Charge	Contract	Contract	100%	249	N/A
Totals					\$35,690

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	%Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Weed Investigation and Processing	\$77	-10.5%	100%	\$22,925	-\$2,703
Nuisance Investigation and Processing	169	96.3%	100%	19,752	9,690
Abatement Charge	Contract	Contract	100%	N/A	N/A
Totals				\$42,677	\$6,987

Weed and Nuisance Abatement

City Code provides for the recovery of the costs incurred by the City to abate property of weeds, brush, and other rank vegetation, and nuisances enumerated in section 74-382 declared to be public nuisance when the property owner fails to respond to proper notice of the violation.

Investigation and Processing Charge recovers the administrative costs to investigate and process a weed or nuisance property abatement. Nuisance property charge includes the property title and certified deed cost. **Abatement Charge** is established based on the City's cost to abate the nuisance through an outside service contract, in which case the property owner will be charged the contractor's charge to the City.

**Ordinance Violation Charges
Public Health**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Animal Impoundment					
First Day	\$33	\$48	69%	414	\$13,662
Each Day or Partial Day Thereafter	13	23	58%	330	4,290
Totals					\$17,952

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Animal Impoundment					
First Day	\$33	0.0%	69%	\$13,662	\$0
Each Day or Partial Day Thereafter	14	7.7%	62%	4,620	330
Totals				\$18,282	\$330

Animal Impoundments

A person claiming a dog or cat that has been impounded must pay an impoundment fee for the animal's release. The fees are not at 100% cost recovery because the City believes that the cost should not be so high that it would discourage citizens from claiming their animal.

**Ordinance Violation Charges
Police**

Current Status Based on FY 14-15 Data

Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
DWI Arrest	\$144	\$148	97%	608	\$87,552
Totals					\$87,552

Proposed Fees for FY 16-17

Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
DWI Arrest	\$148	3.0%	100%	\$90,145	\$2,593
Totals				\$90,145	\$2,593

DWI Arrest

State Statutes and city ordinances allow the court to order persons convicted of alcohol or drug related traffic offenses to reimburse the city for the costs associated with their arrest. These costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking, and holding the person in custody.

The charge rate shown reflects the basic schedule of arrests costs. The reimbursement cost of a specific arrest may be set higher or lower depending on the actual costs incurred and the consideration involved. The revenue generated depends on the actual arrest costs.

**Ordinance Violation Charges
Public Works**

Service Description	Current Status Based on FY 14-15 Data				
	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Tree Abatement					
Investigation and Processing Charge	\$295	\$231	128%	14	\$4,130
Abatement Charge	201	332	61%	1	201
Each Hour or portion thereof by City Crew					
Or Contractor Charge (City Contract)	Contract	Contract	100%	0	N/A
Totals					\$4,331

Service Description	Proposed Fees for FY 16-17				
	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Tree Abatement					
Investigation and Processing Charge	\$231	-21.7%	100%	\$3,232	-\$898
Abatement Charge	332	65.3%	100%	332	131
Each Hour or portion thereof by City Crew					
Or Contractor Charge (City Contract)	Contract	Contract	100%	0	N/A
Totals				\$3,564	-\$767

Tree Abatement

City Code provides for the recovery of costs incurred by the City to abate property of trees creating hazards to public ways when the property owner fails to respond to proper notice of the violation.

Investigation and Processing Charge recovers the administrative costs to investigate and process a Tree Abatement. **Abatement Charge** establishes the charge for each hour or portion thereof for the City to physically abate the conditions contained in the Tree Abatement notice, including drive time, setup time, and cleanup time. The property owner is also responsible for the charge of landfill fees for eliminating the debris. Alternatively, the City may choose to abate the nuisance through an outside contract, in which case the property owner will be charged the contractor's charge to the City.



Enterprise Fund Fees

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

**Enterprise Fund Fees
Sanitary Landfill**

Service Description	Current Status Based on FY 14-15 Data		
	Current Fee	Units of Service	Revenue Generated
One Yard of Wood Mulch	\$7.00	5,126	\$35,882
One Yard of Fine Wood Mulch	16.00	1,827	29,232
One Yard of Finished Compost	20.00	4,747	94,940
Brush Lot Fee (Non-Commercial)	4.00	24,426	97,704
Tipping Fees	30.94	217,704	6,735,762
Totals			\$6,993,520

Service Description	Proposed Fees for FY 16-17		
	Proposed Fee	Projected Revenue	Change in Revenue
One Yard of Wood Mulch	\$7.00	\$35,882	\$0
One Yard of Fine Wood Mulch	16.00	29,232	0
One Yard of Finished Compost	22.00	104,434	9,494
Brush Lot Fee (Non-Commercial)	5.00	122,130	24,426
Tipping Fees	30.94	6,735,762	0
Totals		\$7,027,440	\$33,920

One Yard of Wood Mulch An unscreened landscaping mulch of ground, woody materials for use on flower beds, shrubs, trees, and pathways.

One Yard of Fine Wood Mulch A fine textured landscaping mulch of ground, woody materials for use on flower beds, shrubs, trees, and pathways.

One Yard of Finished Compost A high quality compost of yard and garden organic materials.

Brush Lot Fee (Non-Commercial) Gate fee for non-commercial brush disposal at Yardwaste Recycling Center.

Tipping Fees Minimum fee for disposal of Municipal Solid Waste, Construction & Demolition Waste, and Other Special Waste accepted by prior approval.

**Enterprise Fund Fees
Clean Water Services**

Service Description	Current Status Based on FY 14-15 Data		
	Current Fee	Units of Service	Revenue Generated
Biosolids Per Acre	\$5	0	\$0
Fats, Oils, and Grease (FOG)	103	1,102	113,506
Industrial Pretreatment Fees (IPP)			
Categorical Industrial User (CIU)	3,933	21	82,593
Categorical Industrial User - No Discharge (CIU-ND)	1,330	7	9,310
Significant Industrial User (SIU)	4,656	13	60,528
Industrial User (IU)	847	21	17,787
Surcharge-Industrial User-High Strength			
With Excess BOD/TSS	1,164	18	20,952
Testing Charges	*	4,317	74,714
Totals			\$379,390

Service Description	Proposed Fees for FY 16-17		
	Proposed Fee	Projected Revenue	Change in Revenue
Biosolids Per Acre	\$5	\$0	\$0
Fats, Oils, and Grease (FOG)	103	113,506	0
Industrial Pretreatment Fees (IPP)			
Categorical Industrial User (CIU)	3,933	82,593	0
Categorical Industrial User - No Discharge (CIU-ND)	1,330	9,310	0
Significant Industrial User (SIU)	4,656	60,528	0
Industrial User (IU)	847	17,787	0
Surcharge-Industrial User-High Strength			
With Excess BOD/TSS	1,164	20,952	0
Testing Charges	*	72,633	-2,081
Totals		\$377,309	-\$2,081

Biosolids In addition to this per acre fee there will be a 5% fuel surcharge that will be figured on the cost of diesel fuel per gallon on the last day the material is hauled to the customer.

Fats, Oils, and Grease (FOG) As a result of the new EPA/MDNR mandates, all Food Service Establishments (FSEs) must be permitted and inspected regularly to ensure proper FOG removal devices are in place and maintained properly.

**Enterprise Fund Fees
Clean Water Services**

Categorical Industrial User (CIU)

Any industrial user subject to a regulation containing pollutant discharge limits promulgated by the USEPA in accordance with section 307(b) and © of the act, which applies to industrial users. Includes prohibitive discharge limits established pursuant to section 403.5 of the act, categorical pretreatment standards, restricted discharges and local limits.

Categorical Industrial User No Discharge (CIUND)

Any industrial user subject to a regulation containing pollutant discharge limits promulgated by the USEPA in accordance with section 307(b) and (c) of the act, which applies to industrial users. Includes prohibitive discharge limits established pursuant to section 403.5 of the act, categorical pretreatment standards, restricted discharges and local limits. Must be permitted and monitored as a no-discharge facility to ensure they do not discharge wastewaters to the Publicly Owned Treatment Works; either by evaporation, off-site treatment, or other means of wastewater disposal.

Significant Industrial User (SIU)

Industrial user that discharges an average of 25,000 gdp or more of process wastewater to the POTW, contributes a process waste stream which makes up five percent more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, is designated as such by the POTW on the basis that it has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Industrial User (IU)

Any nonresidential user identified in division A, B, D, E, or I of the Standard Industrial Classification Manual or any user which discharges wastewater containing toxic or poisonous substances or any substance which cause interference or pass through in the POTW.

**Enterprise Fund Fees
Clean Water Services**

**Surcharge-Industrial User-High Strength
With Excess BOD/TSS**

Some industrial customers have wastewater that is made up of higher concentrations of pollutants that increase the City's cost for treatment. As a result, these customers pay a surcharge for wastewater treatment. Currently, the surcharge is applied to two pollutants; Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS). BOD is regulated because of low levels of oxygen in the water causes fish kills and other aquatic life impacts. TSS is regulated because the solids in water block sunlight and make photosynthesis more difficult so plant food sources don't grow for fish and aquatic life.

***Testing Charges**

*Testing charges vary by industry due to number and type of parameter analyses required, pricing based on local private laboratory charges.

BUILDING DEVELOPMENT SERVICES – COMMERCIAL AND RESIDENTIAL FEES

**BUILDING DEVELOPMENT SERVICES
CITY OF SPRINGFIELD
COMMERCIAL FEES**

COMMERCIAL CONSTRUCTION

NEW BUILDINGS AND ADDITIONS:

To calculate the building permit fee you will need the following minimum information:

- *Use Group
- *Construction Type
- Gross Floor Area of Building or Addition (square footage)
- Gross Area Modifier = **85**

(*Type of Construction Factor will be from a matrix of numbers based on Use Group and Construction Type as established by the 2009 IBC FEE CALCULATION DATA, and as amended by adoption of this Fee Ordinance. Copies are available from Building Development Services.)

Gross area (Sq Ft) of the building or addition x Gross area Modifier (**85**) x Type of Construction Factor = Construction **Factor** used to calculate the building permit fee.

1 st 50,000 of Construction Factor x .004	= Permit Fee	A	+	
2 nd 50,000 of Construction Factor x .003	= Permit Fee	B	+	
3 rd 50,000 of Construction Factor x .002	= Permit Fee	C	+	
Remaining amount x .001	= Permit Fee	D	=	
Total of A + B + C + D		= Building Permit Fee (minimum of \$135.00 , whichever is greater)		

INFILLS AND RENOVATIONS:

The **Construction Factor** will be calculated in the same manner as a New Building or Addition, except the Type of Construction Factor is **.30** and then the above formula will be used to calculate the Building Permit Fee.

Gross area (Square Feet) involved in the renovation only x Gross area Modifier (**85**) x **.30** = Construction **Factor** used to calculate the building permit fee.

COMMERCIAL SHELL BUILDINGS:

A “Shell Building” with no defined tenant infill spaces, has been added as a sub-category to the “Business” Use Group, and the “Type of Construction Factor” has been established similar to an S-1, Storage, Moderate Hazard Use. This will reduce the permit fee for the Shell Building to a more comparable complexity of construction.

ASSOCIATED FEES:

(PLEASE NOTE PLAN REVIEW AND TECHNOLOGY FEES ARE NON-REFUNDABLE)

COMMERCIAL PLAN REVIEW FEE

A) Projects requiring reviews outside of BDS and/or City Utilities

75% of calculated Building Permit Fee, or minimum of **\$315.00** whichever is greater

B) Projects only reviewed by BDS and City Utilities

75% of calculated Building Permit Fee, or minimum of **\$175.00** whichever is greater

COMMERCIAL PROVISIONAL (PHASE APPROVAL) PERMIT FEE

30% of the calculated Building Permit Fee, or minimum of **\$135.00** whichever is greater. This fee is charged in addition to the normal permit fee.

POST-PERMIT FEE (CHANGE ORDERS, ADDENDA, REVISIONS, ETC.) FOR EACH OCCURENCE

New Construction and/or Additions	PLAN REVIEW FEE	\$85.00
Infill and/or Remodel	PLAN REVIEW FEE	\$50.00

TECHNOLOGY FEE

18% of the calculated Building Permit Fee, or minimum of **\$50.00** whichever is greater.

COMMERCIAL MECHANICAL, ELECTRICAL, AND PLUMBING PERMIT FEES ASSOCIATED WITH A BUILDING PERMIT:

40% of the calculated Building Permit Fee, or minimum of **\$135.00** whichever is greater.

COMMERCIAL MECHANICAL, ELECTRICAL, GAS, AND PLUMBING PERMIT FEES WHICH ARE NOT ASSOCIATED WITH A BUILDING PERMIT:

PERMIT FEE	\$60.00
PLAN REVIEW FEE	\$75.00
TECHNOLOGY FEE	\$18.00

The plan review fee and technology fee will be applied to each permit type

COMMERCIAL EQUIPMENT CHANGE OUT:

(Furnace, Roof Top Unit, A/C or Water Heater replacement like for like)

PERMIT FEE	\$135.00
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COMMERCIAL GAS AND/OR AIR TEST ONLY PERMIT FEE **\$135.00**

COMMERCIAL FIRE SPRINKLER SYSTEM (CALCS REQUIRED):

NEW OVERHEAD FIRE SPRINKLER SYSTEM FIS PERMIT FEE	\$135.00
MODIFICATIONS TO EXISTING OVERHEAD SYSTEM PERMIT FEE	\$135.00
PLAN REVIEW FEE	\$175.00 (Applicable to Overhead only)
TECHNOLOGY FEE	\$50.00 (Applicable to Overhead FIS not associated with Building Permit)
NEW UNDERGROUND SYSTEM FIS PERMIT FEE	\$135.00

COMMERCIAL FIRE SPRINKLER ALTERATIONS/MODIFICATIONS (NO CALCS REQUIRED):

Shop Drawings will need to be submitted for review and approval.

MODIFICATIONS TO EXISTING OVERHEAD SYSTEM PERMIT FEE **\$25.00** (No Plan Review or Technology fee will be applied)

HOOD SUPPRESSION FIS PERMIT FEE **\$25.00**

HOOD SUPPRESSION PLAN REVIEW FEE **\$25.00**

COMMERCIAL SIGNS:

DETACHED:

PERMIT FEE **\$80.00** (New installation or alteration of any kind)

PLAN REVIEW FEE **\$106.00**

TECHNOLOGY FEE **\$34.00**

Wall:

PERMIT FEE **\$48.00** (New installation or alteration of any kind)

PLAN REVIEW FEE **\$50.00**

TECHNOLOGY FEE **\$17.00**

TEMPORARY SIGN/BANNER PERMIT FEE **\$25.00/per 30 day period displayed**

COMMUNICATION TOWERS: (Including Antenna upgrades and/or collocates)

PERMIT FEE **\$135.00**

PLAN REVIEW FEE **\$175.00**

TECHNOLOGY FEE **\$50.00**

COMMERCIAL FLOODPLAIN DEVELOPMENT:

PERMIT FEE **\$50.00**

PLAN REVIEW FEE **\$85.00**

TECHNOLOGY FEE **\$50.00**

Technology fee would not be applied if Floodplain permit is associated with a building permit

COMMERCIAL PARKING LOT AS STAND ALONE FACILITIES:

PERMIT FEE **\$135.00**

PLAN REVIEW FEE **\$175.00**

TECHNOLOGY FEE **\$50.00**

STORMWATER DETENTION PERMIT FEE **\$135.00**

CERTIFICATE OF OCCUPANCY FOR CHANGE OF USE PERMIT FEE **\$30.00**

CERTIFICATE OF OCCUPANCY FOR CHANGE OF OWNERSHIP/TENANT, APPLICABLE TO "A" USE GROUPS
PERMIT FEE **\$30.00**

COMMERCIAL LAWN SPRINKLER SYSTEM, BACKFLOW PREVENTER INSTALLATION

(PLUMBING) PERMIT FEE **\$135.00**

COMMERCIAL WRECKING PERMIT FEE **\$135.00**

COMMERCIAL BOARDED UP BUILDING PERMIT FEE **\$200.00 per 180 days**

COMMERCIAL FENCE PERMIT FEE

Fence 6 ft or less in height (Site Plan Review only)	NO COST PERMIT
Fence more than 6 ft in height (Site and Structural Review)	\$50.00

VENDOR SITE PERMIT FEE **\$135.00**

CERTIFICATE OF APPROPRIATENESS (FOR WORK AS DESCRIBED, NOT REQUIRING A BUILDING PERMIT) \$25.00
(If the scope of work requires a Building Permit, this special permit fee will not be required)

MISCELLANEOUS FEES

COMMERCIAL RE-SUBMITTAL PLAN REVIEW FEE (Prior to Permit issuance)

\$250.00 for 4th submittal. \$500.00 for 5th and each submittal thereafter. If the Re-Submittal of the design documents is due solely to an error or omission by the City no additional fee or penalty will be assessed.

RE-INSPECTION FEES:

After the 1 st Re-Inspection	\$100.00
After the 2 nd and 3 rd Re-Inspection	\$200.00 /each
After 4 th Re-inspection and each additional Re-Inspection	\$500.00/each

Re-Inspections are defined as:

- 1 – Work not ready for requested inspection, i.e: work not installed or constructed when Inspector arrives on site
- 2 – Re-Inspecting previously inspected work that has not been corrected
- 3 – Jobsite not accessible after 2nd attempt when contractor has control of access
- 4 – Failure to have a set of Approved Plans and Specs on site: 1st time = warning; 2nd time and all future times, Re-Inspection Fee will be assessed.
- 5 – Calling for inspection when work has been done but not in substantial conformance with the adopted codes or approved plans. This penalty fee covers those instances in which changes in the design are made in the field prior to plan revisions being submitted to the Department of Building Development Services. This penalty fee is not applicable to aesthetic changes.

AFTER HOURS OR OVERTIME INSPECTION FEES: **\$45.00 per hour (minimum 2 hours)**

PENALTY FEE FOR WORK DONE WITHOUT A PERMIT:

The required **Permit Fee x 2 + \$200.00**. This penalty fee does not apply to emergency work performed when City Offices are closed. Contractor must obtain applicable permit next open business day after the work is performed.

PENALTY FEE FOR STRUCTURE OCCUPIED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY **\$250.00**

BUILDING OR WRECKING PERMIT REQUIRED BY DANGEROUS BUILDING PROCEEDINGS AND AFTER THE ISSUANCE OF A LEGAL NOTICE OF VIOLATION: **Required BLD or WRK Permit fee x 2**

PERMITS REQUIRED BY ZONING ORDINANCE:

Unless specifically identified elsewhere in this Schedule, all Permits, Plan Reviews, Site Plan Reviews or Approvals provided by the Department of Building Development Services as listed in Chapter 36, Article III, known as the Land Development Code in Article I, the Zoning Ordinance, shall be assessed a fee equal to the minimum Building Permit Fee and/or minimum Plan Review Fee.

REUNDS: Permit fees for Projects that are abandoned before being started or inspected shall be refunded, less a \$25.00 Processing Fee, provided the request is made within 180 days of the date of issuance of the permit. If in the opinion of the Director of Building Development Services, a situation develops that would warrant a refund beyond these limits, the Director shall be authorized to refund up to 90% of any fee listed in this Schedule of Fees.

**BUILDING DEVELOPMENT SERVICES
CITY OF SPRINGFIELD
RESIDENTIAL FEES**

NEW RESIDENTIAL BUILDINGS AND ADDITIONS:

To calculate the building permit fee you will need the following minimum information:

*Type of Construction Factor = **1.02 multiplied by 0.38**

Finished Living Area Square Footage (excludes garage and unfinished basement)

Use Group = **R-3 and IRC 2012**

(*Type of Construction Factor will be from a matrix of numbers based on Use Group and Construction Type as established by the JULY 2009 IBC FEE CALCULATION DATA, and as amended by adoption of this Fee Ordinance. A copy is available from Building Development Services.)

Finished Living Area Square Footage x Gross Area Modifier (**85**) x Type of Construction Factor (**1.02 x 0.38**) =
Construction Factor used to calculate Building Permit Fee:

1 st 50,000 of Construction Factor x 0.004	=	Permit Fee	A	+	
2 nd 50,000 of Construction Factor x 0.003	=	Permit Fee	B	+	
3 rd 50,000 of Construction Factor x 0.002	=	Permit Fee	C	+	
Remaining amount x .001	=	Permit Fee	D	<u> </u>	
Total of A + B + C + D		=	Building Permit Fee (minimum of \$100.00 , whichever is greater)		

RESIDENTIAL GARAGE ADDITION (ATTACHED OR DETACHED), HOME ADDITION OR ACCESSORY STRUCTURE PERMIT FEE:

Square Feet x (**85**) x (**1.02**) x (**0.38**) = **Construction Factor** used to calculate Building Permit Fee.

RESIDENTIAL MECHANICAL, ELECTRICAL, AND PLUMBING PERMIT FEE

40% of the Building Permit Fee, or minimum of **\$100.00**, whichever is greater

RESIDENTIAL GAS PERMIT FEE	\$100.00
RESIDENTIAL AIR TEST ONLY GAS PERMIT FEE	\$30.00

RESIDENTIAL MECHANICAL, ELECTRICAL, AND PLUMBING PERMIT FEES WHICH ARE NOT ASSOCIATED WITH A BUILDING PERMIT

RESIDENTIAL MECHANICAL FURNACE AND / OR AIR CONDITIONER CHANGE OUTS:	\$30.00
RESIDENTIAL PLUMBING WATER HEATER CHANGE OUTS:	\$30.00

(Change outs are like for like replacements only, unless specifically approved by the Director of Building Development Services)

RESIDENTIAL ELECTRICAL SERVICE REPAIRS PERMIT FEE:	\$30.00
CERTIFICATE OF APPROPRIATENESS (FOR WORK AS DESCRIBED, NOT REQUIRING A BUILDING PERMIT)	
(If the scope of work requires a Building Permit, this Special Permit Fee will not be required) \$25.00	
RESIDENTIAL LAWN SPRINKLER SYSTEM, BACKFLOW PREVENTER INSTALLATION PLUMBING PERMIT FEE	\$100.00
WRECKING PERMIT FEE	\$100.00
BOARDED UP BUILDING PERMIT FEE	\$200.00 per 180 days (6 months)
FENCE PERMIT FEE	
Fence 6 ft or less in height (Site Plan Review only)	NO COST PERMIT
Fence more than 6 ft in height (Site and Structural Review)	\$ 50.00
SWIMMING POOL PERMIT FEE	\$100.00
Site Plan Approval and Signed Agreement Required	
FAMILY HOME DAY CARE INSPECTION PERMIT FEE:	\$100.00
RESIDENTIAL WHEEL CHAIR RAMP PERMIT FEE	NO COST PERMIT
Site Plan and Elevation Slope Approval Required	
RESIDENTIAL HOUSE MOVING PERMIT FEE	\$100.00
RESIDENTIAL FOUNDATION / REPAIR FOR MOVED STRUCTURE PERMIT FEE	\$100.00

MISCELLANEOUS FEES

RE-INSPECTION FEES:

After the 1 st Re-Inspection	\$100.00
After the 2 nd and 3 rd Re-Inspection	\$200.00 /each
After 4 th Re-inspection and each additional Re-Inspection	\$500.00/each

Re-Inspections are defined as:

- 1 – Work not ready for requested inspection, i.e: work not installed or constructed when Inspector arrives on site
- 2 – Re-Inspecting previously inspected work that has not been corrected
- 3 – Jobsite not accessible after 2nd attempt when contractor has control of access
- 4 – Failure to have a set of Approved Plans and Specs on site: 1st time = warning; 2nd time and all future times, Re-Inspection Fee will be assessed.

Penalty for calling for inspection when work has been done but not in substantial conformance with the Adopted Codes or approved plans **\$250.00 for 1st time** per Project, **\$500.00 for each inspection thereafter.**

AFTER HOURS OR OVERTIME INSPECTION FEES:

\$45.00 per hour (minimum 2 hours)

PENALTY FEE FOR WORK DONE WITHOUT A PERMIT:

The required Permit Fee x 2 + \$200.00. This penalty fee does not apply to emergency work performed when City Offices are closed. Contractor must obtain applicable permit next open business day after the work is performed.

BUILDING OR WRECKING PERMIT REQUIRED BY DANGEROUS BUILDING PROCEEDINGS AND AFTER THE ISSUANCE OF A LEGAL NOTICE OF VIOLATION: Required BLD or WRK Permit fee x 2

PERMITS REQUIRED BY ZONING ORDINANCE:

Unless specifically identified elsewhere in this Schedule, all Permits, Plan Reviews, Site Plan Reviews or Approvals provided by the Department of Building Development Services as listed in Chapter 36, Article III, known as the Land Development Code in Article I, the Zoning Ordinance, shall be assessed a fee equal to the minimum Building Permit Fee or minimum Plan Review Fee.

REFUNDS: Permit fees for Projects that are abandoned before being started or inspected shall be refunded, less a \$25.00 Processing Fee, provided the request is made within 180 days of the date of issuance of the permit. If in the opinion of the Director of Building Development Services, a situation develops that would warrant a refund beyond these limits, the Director shall be authorized to refund up to 90% of any fee listed in this Schedule of Fees.

One-rdg. _____
P. Hrngs. _____
Pgs. 12
Filed: 12-08-15

Sponsored by: Fulnecky

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2015 - 323

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 54, Fire Prevention and Protection,
2 Article II, Fire Prevention Code, Section 54-32, to make certain deletions,
3 amendments and additions to Chapters 1, 3, 6, 9, 10, 31, 56, Appendix B,
4 and Appendix C of the 2012 Edition of the International Fire Code (IFC),
5 based on amendments recommended in the 2015 Edition of the IFC
6 model code; including a savings clause and a severability clause; and
7 establishing an effective date.
8
9

10 WHEREAS, the current City Fire Prevention and Protection Code is based upon
11 the 2012 edition of the *Intenational Fire Code* (IFC), published by the International Code
12 Congress ("ICC"), with certain local amendments as adopted in Section 54-32 of the
13 City Code; and
14

15 WHEREAS, the ICC has published a 2015 edition of the IFC, and staff
16 recommends that the City adopt certain provisions of the newly-published 2015 edition
17 of the IFC as local amendments.
18

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

22 Section 1 – The City Council hereby amends the Springfield City Code, Chapter
23 54, Fire Prevention and Protection, Article II, Fire Prevention Code, Section 54-32,
24 concerning amendments to the IFC, by amending Subsection [A]102.5, Application of
25 Residential Code; Subsection 609.3.3.2, Grease Accumulation; Subsection 3101.1,
26 Scope; Subsection 5601.1.3, Fireworks; Subsections B105.1 and B105.2, regarding
27 fire-flow in Group R-3 and R-4 buildings and townhouses; and Subsections C101.1,
28 C102, C103, C103.1, C103.2, C104.1, C105, C105.1, and Tables B105.1 and C105.1,
29 scope, number and spacing of fire hydrants, which Subsections and Tables shall read
30 as set forth in "Exhibit A," which is attached hereto and incorporated herein as if copied
31 verbatim.
32

33 Section 2 – The City Council hereby amends the Springfield City Code, Chapter
34 54, Fire Prevention and Protection, Article II, Fire Prevention Code, Section 54-32,
35 concerning additions to the IFC, by adding Section 915, Smoke Alarms in Non-Owner

36 Occupied Single Family Residences and Duplexes; Section 3105, Temporary Stage
37 Canopies; Subsection 308.1.2.1, Sky Lanterns; Subsection 1004.3.1, Assembly
38 Occupancies; Subsection B105.3, Water Supply for Buildings Equipped with an
39 Automatic Sprinkler System; Subsection C103.3, Maximum Spacing for fire hydrants;
40 Tables B105.1(1) and B105.2, fire flow requirements, which Sections, Subsections and
41 Tables shall read as set forth in "Exhibit A," which is attached hereto and incorporated
42 herein as if copied verbatim.

43
44 Section 3 – Savings Clause. Nothing in this ordinance shall be construed to
45 affect any suit or proceeding now pending in any court or any rights acquired or liability
46 incurred nor any cause or causes of action occurred or existing, under any act or
47 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
48 impaired, or affected by this ordinance.

49
50 Section 4 – Severability Clause. If any section, subsection, sentence, clause or
51 phrase of this ordinance is for any reason held to be invalid, such decision shall not
52 affect the validity of the remaining portions of this ordinance. The Council hereby
53 declares that it would have adopted the ordinance and each section, subsection,
54 sentence, clause or phrase thereof, irrespective of the fact that any one or more
55 sections, subsections, sentences, clauses, or phrases be declared invalid.

56
57 Section 5 – This ordinance shall be in full force and effect from and after
58 passage.

59
60 Passed at meeting: _____

61
62
63
64 _____
65 Mayor

66 Attest: _____, City Clerk

67
68 Filed as Ordinance: _____

69
70 Approved as to form: *Marianne Gendron Banks*, Assistant City Attorney

71
72 Approved for Council action: *Dave Burt*, City Manager

EXPLANATION TO COUNCIL BILL NO: 2015-323

FILED: 12-08-15

ORIGINATING DEPARTMENT: Fire

PURPOSE: To amend the Springfield City Code, Chapter 54, Fire Prevention and Protection, Article II, Fire Prevention Code, Section 54-32, by amending Chapters 1, 3, 6, 9, 10, 31, 56, Appendix B, and Appendix C of the International Fire Code to make additions, deletions, and amendments as set forth in "Exhibit A," and establishing an effective date.

BACKGROUND INFORMATION: The City of Springfield's (City) current code is based upon the 2012 edition of the *International Fire Code*. This code is updated every three years, but in order to reduce the costs of purchasing new code books to the City and design professionals, the City decided to update the codes every six years instead. However, portions of the latest codes would be added in the interim cycle when there are pressing items or ones that make sense to add immediately rather than waiting until the next full code revision. The majority of the changes in this document are changes that are included in the *2015 International Fire Code*. They will generally be of benefit to the development community or clarify currently vague language.

One of the items that is not part of the 2015 national updates is the addition of Sections [A]102.5 and 915. They have been added as a local amendment to require single family residences and duplexes used as rentals and constructed prior to the adoption of the International Code series in 2000 to have at least one smoke alarm. The requirement is currently in Section 74 of the Housing Code, but there is ambiguity as to whether it applies only to multi-family residences and whether the Fire Department has enforcement authority. In order to clarify, provisions are being included in the fire code to require every housing rental to have at least one smoke alarm.

Other local additions are Section 308.1.2.1, which clarifies that sky lanterns are prohibited within the City and Section 1004.3.1 requiring assembly occupancies to clearly post their City provided authorized occupant load certificate. Lastly, Section 5601.1.3 was adopted in the 2012 revisions, but it failed to strike the first two exceptions to that provision as was the past practice.

The exact additions and modifications to the codes that are being proposed are provided in "Exhibit A." The City Council was briefed on the proposed changes at their March 24, 2015, Council luncheon and the changes were provided to the Development Issues Input Group for comment on November 18, 2015.

Submitted by:

Approved by:



David Hall Fire Chief



Greg Burriss, City Manager

Exhibit A

2012 International Fire Code Amendments/Addendums

NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.

[A] 102.5 Application of residential code. Where structures are designed and constructed in accordance with the *International Residential Code*, the provisions of this code shall apply as follows:

1. Construction and design provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises, identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall apply. In addition, Section 915 of this code shall apply.
2. Administrative, operational and maintenance provisions: All such provisions of this code shall apply.

308.1.2.1 Sky Lanterns. Sky Lanterns which utilize an open flame are specifically prohibited for use within the city limits. A sky lantern, also known as Kongming lantern, Chinese lantern, sky candle, or fire balloon, is a small hot air balloon made of paper, plastic, Mylar, or other lightweight material, with an opening at the bottom where a small fire is suspended.

609.3.3.2 **Grease accumulation.** If during the inspection it is found that hoods, grease-removal devices, fans, ducts, or other appurtenances have an accumulation of grease, such components shall be cleaned in accordance with American National Standards Institute/International Kitchen Exhaust Cleaning Association (ANSI/IKECA) C10.

SECTION 915

SMOKE ALARMS IN NON-OWNER OCCUPIED SINGLE FAMILY RESIDENCES AND DUPLEXES

915.1 General. This section shall specify requirements for smoke alarms in single family residences and duplexes that are non-owner occupied.

915.2 Minimum protection: The minimum protection shall include an alarm installed on the ceiling or wall outside each separate sleeping area in the immediate vicinity. Dwellings built after 2000 shall have smoke alarms installed in accordance with the specific International Residential Code in effect at the time of construction.

915.3 Testing, Maintenance, and Replacement: Smoke alarms will be tested on a regular basis. All smoke alarms, regardless of type, shall be replaced 10 years after their date of manufacture or at any time they fail during testing.

915.4 Owner responsibilities: The owner of the residence shall supply and install all required smoke alarms. No owner shall rent, lease or let any dwelling unit that does not have functional and working alarms at the time of occupancy.

915.4.1 Maintenance: The owner will replace smoke alarms 10 years after their date of manufacture or at any time they fail during testing.

915.4.2 Information and Records: The owner shall be responsible for providing each tenant with written information regarding alarm testing and maintenance and will require all tenants to sign a statement signifying that all smoke alarms were in fully operational on the date of lease. The owner shall retain signed statements for the life of the lease.

915.4.3 Liability: The owner shall not be liable for any damages caused from the smoke alarm being tampered with or disabled in any way by the tenant.

915.5 Tenant responsibilities: The tenant shall provide and maintain functional batteries for each battery powered smoke alarm and not disconnect the electrical source from electrically powered smoke alarms. The tenant shall not remove or relocate any smoke alarm installed by the owner.

915.5.1 Maintenance: The tenant shall test the alarms within the dwelling unit and notify the owner or agent of any deficiencies.

915.5.2 Information and Records: The tenant shall sign a statement signifying that all smoke alarms were in fully operational on the date of lease.

1004.3.1 Assembly Occupancies. Assembly Occupancies are provided Certificates of Occupancy from the City which have their authorized occupant loads posted on them. These Certificates of Occupancy must be displayed in a clearly visible area near the main entrance of the Assembly Occupancy.

3101.1 Scope. Tents, temporary stage canopies and membrane structures shall comply with this chapter. The provisions of Section 3103 are applicable only to temporary tents and membrane structures. The provisions of Section 3104 are applicable to temporary and permanent tents and membrane structures. Other temporary structures shall comply with the International Building Code.

Section 3105

TEMPORARY STAGE CANOPIES

3105.1 General. Temporary stage canopies shall comply with Section 3104, Sections 3015.2 through 3105.8 and ANSI E1.21.

3105.1.1 Defined. A temporary ground-supported membrane-covered frame structure used to cover stage areas and support equipment in the production of outdoor entertainment events.

3105.2 Approval. Temporary stage canopies in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining approval and a permit from the fire code official and the building official.

3105.3 Permits. Permits shall be required as set forth in Section 105.6 and 105.7.

3105.4 Use Period. Temporary stage canopies shall not be erected for a period of more than 45 days.

3105.5 Required Documents. All of the following documents shall be submitted to the fire code official and the building official for review before a permit is approved:

1. Construction documents: Construction documents shall be prepared in accordance with the International Building Code by a registered design professional. Construction documents shall include:

1.1 A summary sheet showing the building code used, design criteria, loads and support reactions.

1.2 Detailed construction and installation drawings.

1.3 Design calculations.

1.4 Operating limits of the structure explicitly outlined by the design professional including environmental conditions and physical forces.

1.5 Effects of additive elements such as video walls, supported scenery, audio equipment, and vertical and horizontal coverings.

1.6 Means for adequate stability including specific requirements for guying and cross-bracing, ground anchors or ballast for different ground conditions.

2. Designation of responsible party: The owner of the temporary stage canopy shall designate in writing a person to have responsibility for the temporary stage canopy on the site. The designated person shall have sufficient knowledge of the construction documents, manufacturer's recommendations and operations plan to make judgments regarding the structure's safety and to coordinate with the fire code official.

3. Operations plan: The operations plan shall reflect the manufacturer's and operational guidelines, procedures for environmental monitoring and actions to be taken under specified conditions consistent with the construction documents.

3105.6 Inspections. Inspections shall comply with Section 106 and Sections 3105.6.1 and 3105.6.2.

3105.6.1 Independent Inspector. The owner of a temporary stage canopy shall employ a qualified, independent approved agency or individual to inspect the installation of a temporary stage canopy.

3105.6.2 Inspection Report. The inspecting agency or individual shall furnish an inspection report to the fire code official. The inspection report shall indicate that the temporary stage canopy was inspected and was or was not installed in accordance with the approved construction documents. Discrepancies shall be brought to the immediate attention of the installer for correction. Where any discrepancy is not corrected, it shall be brought to the attention of the fire code official and the designated responsible party.

3105.7 Means of Egress. The means of egress for temporary stage canopies shall comply with Chapter 10.

3105.8 Location. Temporary stage canopies shall be located a distance from property lines and buildings to accommodate distances indicated in the construction drawings for guy wires, cross-bracing, ground anchors or ballast. Location shall not interfere with egress from a building or encroach on fire apparatus access roads.

5601.1.3 Fireworks

Exceptions:

1. ~~Storage and handling of fireworks as allowed in Section 5604.~~
2. ~~Manufacture, assembly and testing of fireworks as allowed in Section 5605.~~
3. ~~The use of fireworks for fireworks displays as allowed in Section 5608.~~
4. ~~The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided such fireworks comply with CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100 — 185, for consumer fireworks.~~

B105.1 One- and two-family dwellings, Group R-3 and R-4 Buildings and Townhouses. The minimum fire-flow and flow duration requirements for one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses having a fire flow calculation area that does not exceed 3,600 square feet (344.5 m²) shall be 1,000 gallons per minute (3785.4 L/min) for 1 hour. Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet (344.5 m²) shall not be less than that specified in Table B105.1 shall be as specified in Tables B105.1(1) and B105.1(2).

~~Exception: A reduction in required fire flow of 50 percent, as approved, is allowed when the building is equipped with an approved automatic sprinkler system.~~

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 Buildings and Townhouses. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.1 B105.2 and B105.1(2).

~~Exception: A reduction in required fire flow of up to 75 percent, as approved, is allowed with the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.~~

~~a) A reduction of 50% of the required fire flow is allowed when the building is fully covered by an automatic sprinkler system.~~

~~b) A reduction of 75% is allowed when the building is covered by an automatic sprinkler and an engineered sprinkler flow calculation is provided for the building. The total fire flow is then determined by adding the sprinkler flow to the reduced value from table B105. In either case the minimum flow allowed is 1500 gpm for the duration specified in B105.~~

B105.3 Water Supply for Buildings Equipped with an Automatic Sprinkler System. For buildings equipped with an approved automatic sprinkler system, the water supply shall be capable of providing the greater of:

1. The automatic sprinkler system demand, including hose stream allowance.
2. The required fire-flow.

Table B105.1(1)

REQUIRED FIRE-FLOW FOR ONE-AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

<u>FIRE-FLOW CALCULATION AREA (square feet)</u>	<u>AUTOMATIC SPRINKLER SYSTEM (Design Standard)</u>	<u>MINIMUM FIRE FLOW (gallons per minute)</u>	<u>FLOW DURATION (hours)</u>
<u>0-3,600</u>	<u>No automatic sprinkler system</u>	<u>1,000</u>	<u>1</u>
<u>3,601 and greater</u>	<u>No automatic sprinkler system</u>	<u>Value in Table 8105.1(2)</u>	<u>Duration in Table B105.1(2) at the required fire-flow rate</u>
<u>0-3,600</u>	<u>Section 903.3.1.3 of the International Fire Code or Section P2904 of the International Residential Code</u>	<u>500</u>	<u>1/2</u>
<u>3,601 and greater</u>	<u>Section 903.3.1.3 of the International Fire Code or Section P2904 of the International Residential Code</u>	<u>1/2 value in Table B 105.1(2)</u>	<u>1</u>

For SI: 1 square foot= 0.0929 m² 1 gallon per minute= 3.785 L/m. 1 pound per square inch= 6.895 kPa.

Table B105.1(2)

REFERENCE TABLE FOR TABLES B105.1(1) AND B105.2

<u>FIRE-FLOW CALCULATION AREA (square feet)</u>					<u>FIRE-FLOW (gallons per minute)*</u>	<u>FLOW DURATION (hours)</u>
<u>Type IA and IB'</u>	<u>Type IIA and IIA'</u>	<u>Type IV and V-A*</u>	<u>Type IIB and IIIB*</u>	<u>Type V-B*</u>		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	3
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	

145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301 -26,300	4,250
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000
—	—	156,701-167,900	113,201-121,300	69,601-74,600	7,250
—	—	167,901-179,400	121,301-129,600	74,601-79,800	7,500
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000

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For SI: 1 square foot= 0.0929 m² 1 gallon per minute= 3.785 L/m, 1 pound per square inch= 6.895 kPa.

a. Types of construction are based on the *international Building Code*.

b. Measured at 20 psi residual pressure.

Table B105.2

REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

<u>AUTOMATIC SPRINKLER SYSTEM</u> (Design Standard)	<u>MINIMUM FIRE-FLOW</u> (gallons per minute)	<u>FLOW DURATION</u> (hours)
No automatic sprinkler system	Value in Table 8105.1(2)	Duration in Table 8105.1(2)
Section 903.3.1.1 of the <i>International Fire Code</i>	25% of the value in Table 8105.1(2)	Duration in Table 8105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>International Fire Code</i>	25% of the value in Table 8105.1(2)	Duration in Table 8105.1(2) at the reduced flow rate

For SI: 1 square foot= 0.0929 m² 1 gallon per minute= 3.785 L/m, 1 pound per square inch= 6.895 kPa.

a. The reduced fire-flow shall be not less than 1,000 gallons per minute. b. The reduced fire-flow shall be not less than 1500 gallons per minute.

C101.1 Scope. In addition to the requirements of Section 507.5.1 of the *International Fire Code*, fire hydrants shall be provided in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction.

SECTION C102

C102.1 Fire hydrant locations. Fire Hydrants shall be provided along required fire apparatus access roads and adjacent public streets.

SECTION ~~C103~~ C102

NUMBER OF FIRE HYDRANTS

~~C103.1~~ C102.1 Fire hydrants available. Minimum Number of fire hydrants available for a Building. The ~~minimum~~ number of fire hydrants available to a building shall not be less than that listed the minimum specified in Table ~~C105.1~~ C102.1. ~~The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.~~

SECTION ~~C105~~ C103

~~DISTRIBUTION OF FIRE HYDRANTS~~ FIRE HYDRANT SPACING

~~C105.1~~ C103.1 Hydrant spacing. The average spacing between fire hydrants shall not exceed that listed in Table C105.1. Fire apparatus access roads and public streets providing required access to buildings in accordance to Section 503 of the International Fire Code shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3.

C103.2 Average spacing. The average spacing between fire hydrants shall be in accordance with Table C102.1.

Exception: ~~The fire chief is authorized to accept a deficiency of up to~~ average spacing shall be permitted to be increased by 10 percent where existing fire hydrants provide all or a portion of the required ~~fire hydrant service~~ number of fire hydrants.

~~Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table 105.1.~~

C103.3 Maximum spacing. The maximum spacing between fire hydrants shall be in accordance with Table C102.1.

C104.1 Existing fire hydrants. Existing fire hydrants on public streets are allowed to be considered as available to meet the requirements of Sections C102 and C103. Existing fire hydrants on adjacent properties ~~shall not be considered available unless~~ are allowed to be considered as available to meet the requirements of Sections C102 and C103 provided that a

fire apparatus access roads extends between properties and that an easements are is established to prevent obstruction of such roads.

Table ~~C105.1~~ C102.1

REQUIRED NUMBER AND DISTRIBUTION SPACING OF FIRE HYDRANTS

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS ^{a,b,c,d,g} (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT ^{d,f,g}
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more*	200	120

For SI: 1 square foot= 0.0929 m² 1 gallon per minute= 3.785 L/m. 1 pound per square inch= 6.895 kPa.

- a. Reduce by 100 feet for dead-end streets or roads.
- b. Where streets are provided with median dividers that cannot be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.
- c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- d. Reduce by 50 feet for dead-end streets or roads.
- e. One hydrant for each 1,000 gallons per minute or fraction thereof.
- f. A 50-percent spacing increase shall be permitted where the building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 of the *International Fire Code*.
- g. A 25-percent spacing increase shall be permitted where the building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.2 or 903.3.1.3 of the *International Fire Code* or Section P2904 of the *International Residential Code*.

One-rdg. _____
P. Hrngs. _____
Pgs. 28
Filed: 12-08-15

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2015- 325

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 APPROVING a Petition to Amend and Restate the Petition to Establish the
2 Downtown Springfield Community Improvement District (DTCID), and
3 directing the City Clerk to notify the Missouri Department of Economic
4 Development and the Greene County Clerk of the amendments.
5 (Staff and the Downtown Springfield Community Improvement District
6 Board of Directors recommend approval).
7
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9 WHEREAS, Sections 67.1401 to 67.1571 RSMo. (the "Community Improvement
10 District Act") authorize the governing body of any municipal corporation, upon a proper
11 petition requesting the formation or amendment of an existing Community Improvement
12 District's petition, and after a public hearing, to adopt an ordinance establishing or
13 amending the petition creating a community improvement district; and
14

15 WHEREAS, the DTCID was established by General Ordinance No. 4924 on
16 September 7, 1999, for a period of 7 years; and
17

18 WHEREAS, the DTCID's petition was amended and the DTCID was re-
19 established by Special Ordinance 25085 on October 30, 2006, for a period of 10 years;
20 and
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22 WHEREAS, said District's legal description and map of its current boundaries
23 and proposed boundaries are attached hereto in "Exhibit 2" as "Exhibit A" and "Exhibit
24 B" respectfully; and
25

26 WHEREAS, on October 17, 2015, a petition for the amendment and restatement
27 of the DTCID was filed with the City Clerk of the City of Springfield, Missouri (the "City");
28 and
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30 WHEREAS, the City Clerk verified that the petition complied with the Community
31 Improvement District Act and set a public hearing with all proper notice being given in
32 accordance with the Community Improvement District Act or other applicable law; and

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WHEREAS, the City Council held a public hearing on December 14, 2015, at which all persons interested in the amendment and restatement of the petition, and consequently its duration, powers and boundaries, were allowed an opportunity to speak and at which time the City Council heard all protests and received all endorsements; and

WHEREAS, the City Council finds that notice of the amendment and restatement of the petition to create the DTCID and the public hearing thereon has been held in which all reasonable protests, objections and endorsements have been heard in accordance with Section 67.1431 of the Community Improvement District Act; and

WHEREAS, the City Council further finds that the amended petition to create the DTCID is proper in that it meets all of the requirements of Section 67.1421 and 67.1441 of the Community Improvement District Act.

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

Section 1 – There is hereby approved a petition to amend and restate the petition that created the DTCID, with said amendments altering provisions and restrictions of the petition including the expanding of the DTCID's boundaries, increasing police presence and public safety, providing additional image enhancement funds for branding and gateways, extending the life of the DTCID by 15 years, and increasing the DTCID sales and use tax from a quarter-cent to a half-cent (subject to approval by the qualified voters of the DTCID), and that the DTCID shall remain within the City as a political subdivision of the State of Missouri having the powers and purposes set forth in the amended petition, the original of which is on file with the City Clerk and is incorporated herein by reference as if copied verbatim. The DTCID shall include the contiguous tracts of real estate described in "Exhibit A" which is attached to "Exhibit 1", also attached to the Petition and attached hereto and incorporated by reference, and shall be governed by a board of directors consisting of eleven (11), thirteen (13), or fifteen (15) members as determined by the board of directors by resolution adopted from time to time, members shall be appointed by the Mayor of the City of Springfield, Missouri and confirmed by the City Council of the City of Springfield, Missouri, and shall have the authority to levy the assessments and establish a sales tax in amounts not to exceed the rates set forth in the Petition.

Section 2 – The term of existence of the DTCID shall be set out in the amended petition approved herein.

Section 3 - The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development the report specified in Subsection 6 of Section 67.1421 of the Community Improvement District Act, and to further notify the Office of the Greene County Clerk of the DTCID's amended petition and continued existence past its previously amended termination date of December 31, 2016.

80 Section 4 - This Ordinance shall be in full force and effect from and after its
81 passage.

82
83 Passed at meeting: _____
84

85 _____
86 Mayor

87
88 Attest: _____, City Clerk
89

90 Filed as Ordinance: _____
91

92 Approved as to form: Richard T. Wade, Assistant City Attorney
93

94 Approved for Council action: Greg B. Smith, City Manager

EXPLANATION TO COUNCIL BILL NO. 2015- 325

FILED: 12-08-15

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt a special ordinance approving the Petition to Amend and Restate the Petition to Establish the Downtown Springfield Community Improvement District. (Staff and the Downtown Springfield Community Improvement District Board of Directors recommend approval).

BACKGROUND: The Downtown Springfield Community Improvement District (DTCID) was first established in 1999 and continued in 2006. It is set to expire on December 31, 2016. The DTCID currently provides sidewalk cleaning; parking enforcement; and image enhancement projects such as brochures, banners, and event funding for the property within its boundaries in Downtown Springfield. The DTCID's work has improved the cleanliness and vibrancy of downtown and has provided a clean, safe, and friendly environment, which supports the public and private investments that have been made to date. The DTCID currently levies a quarter-cent sales tax and a special assessment on real property inside the District.

The DTCID Board of Directors have prepared and filed the Petition to Amend and Restate the Petition to Establish the DTCID (Amended and Restated Petition) with the Springfield City Clerk. The Amended and Restated Petition contains a number of new initiatives that the DTCID Board of Directors would like to implement. These new initiatives include expanding the DTCID boundaries to include the Boonville Avenue and West College Street/West Walnut Street corridors, increasing police presence and public safety, providing additional image enhancement funds for branding and gateways, extending the life of the District for an additional 15 years, and increasing the DTCID sales and use tax from a quarter-cent to a half-cent (subject to approval by the qualified voters in the DTCID). An information sheet regarding the proposed DTCID continuation is attached as "Exhibit 1."

State law requires the Amended and Restated Petition to contain the signatures of property owners collectively owning more than 50 percent of real property by assessed value and by more than 50 percent per capita of all owners of real property inside the District. The City Clerk has certified that the Amended and Restated Petition meets these requirements. It contains the signatures of 59.43 percent (167 out of 281) of the real property owners in the District, whom collectively own 68.06 percent of the total assessed value of real property inside the District.

This bill supports the following Field Guide 2030 goal: Chapter 3, Economic Development; Major Goal 7, Continue the development and revitalization of center city Springfield.

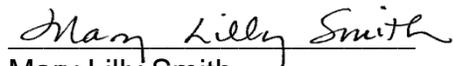
REMARKS: Staff and the DTCID Board of Directors recommend approval.

Submitted by:



Matt D. Schaefer
Senior Planner

Recommended by:



Mary Lilly Smith
Director, Planning and Development

Approved by:



Greg Burris
City Manager

EXHIBIT 1



Established in 1999, the Downtown Springfield Community Improvement District has provided the “clean, safe, and friendly” services that are foundational for revitalization.

Downtown Milestones

- Since 1999, assessed values have grown from \$8.2M to \$36.4M (10.4% annually).
- Since 2002, the number of lofts have increased from 45 to 815 (59 per year).
- Since 2007, taxable sales have grown from \$45.1M to \$55.2M (3% annually).
- The assessed values with the proposed expanded boundaries will be \$47.7M.

Core Services of the current Downtown Springfield CID include:

Maintenance and Parking

- Cleaning of public sidewalks, gathering spaces, alleys, and parking lots.
- Removing snow on designated routes as needed.
- Power washing sidewalks.
- Enforcing parking ordinances on public streets and public parking lots
- Identifying public parking through publication of guides in print and online.

Image Enhancement

- Maintaining the www.itsalldowntown.com website and social media sites.
- Enhancing public ways with banners, flower hanging baskets, and trash cans.
- Facilitating community events to be held Downtown.

Safety and Security

- Provide and/or coordinate supplemental police patrols for daytime hours and special events.
- Promoting the Business Watch program.
- Planning for safety with facility improvements and technology.

The extended Downtown Springfield CID petition includes:

- Expanding boundaries to include the Boonville and College/Walnut corridors.
- Increasing police presence and public safety
- Additional image enhancement funds for Downtown branding and gateways.
- 15-year term – beginning January 2016
- Increasing sales tax rate from quarter-cent to half-cent in DSCID Boundary

Questions?

Contact Barb Baker, CID Manager, at 831-6200 or barb@itsalldowntown.com

EXHIBIT A

District Legal Description

Beginning at the intersection of the centerline of Campbell Avenue and the northernmost centerline of Elm Street; thence east along centerline of Elm Street to a point approximately 180 feet east of the east right-of-way line of Kimbrough Avenue; thence north 265.17 feet to the northeast corner of Lot 2 of John S. Kimbrough's Third Addition; thence east 79.00 feet to the southeast corner of Lot 1 of said John S. Kimbrough's Third Addition; thence north 232.30 feet to the south right-of-way line of Walnut Street; thence northwesterly to a point on the north right-of-way line of Walnut Street approximately 250.5 feet east of the east right-of-way line of Kimbrough Avenue; thence north approximately 212 feet; thence east to a point approximately 300 feet east of the east right-of-way line of Kimbrough Avenue; thence north to a point on the centerline of St. Louis Street; thence west along the centerline of St. Louis Street to a point approximately 147 feet east of the east right-of-way line of Kimbrough Avenue; thence north to a point on the centerline of East Trafficway Street; thence west to the intersection of the centerlines of East Trafficway Street and Kimbrough Avenue, which is also known as Benton Avenue and as Memorial Plaza; thence north along the centerline of Benton Avenue and Memorial Plaza to the centerline of Phelps Street; thence west along the centerline of Phelps Street to the centerline of Jefferson Avenue; thence north along the centerline of Jefferson Avenue approximately 360' to the centerline of Tampa Street; thence west along the centerline of Tampa Street to the centerline of Robberson Avenue; thence north along the centerline of Robberson Avenue to the centerline of Chestnut Expressway; thence west along the centerline of Chestnut Expressway to the centerline of Campbell Avenue; thence south along the centerline of Campbell Avenue approximately 910 feet to the centerline of Tampa Street; thence west along the centerline of Tampa Street to the centerline of Main Avenue; thence south along the centerline of Main Avenue to a point 276.33 feet south of the north line of Section 23, Township 29 North, Range 22 West; thence west to the west right-of-way line of Main Avenue, being at the northeast corner of a tract of land currently owned by the City of Springfield as described in a Quit-Claim Deed recorded in Book 2006 at page 18815-06 of the Greene County Recorder's office; thence westerly, along the north line of said tract of land, to the centerline of Grant Avenue as defined by the centerline of the Grant Avenue viaduct structure and pavement; thence south, along said centerline of Grant Avenue, approximately 642 feet to the intersection with the northeasterly extension of the south right-of-way line of a 20 feet wide alley as partially dedicated and defined on the final plat of R.A. McCluer's Addition; thence southwest, along said south right-of-way line extension, being a line 140 feet north of and parallel with the north right-of-way line of College Street, to a point 150 feet northeast of the northeast corner of Lot 60 in said R.A. McClure's Addition; thence south to the centerline of College Street; thence southwest, along the centerline of College Street, to the centerline of Douglas Avenue; thence south, along the centerline of Douglas Avenue, to the centerline of Walnut Street; thence east, along the centerline of Walnut Street to the centerline of Main Avenue; thence south, along the centerline of Main Avenue to a point approximately 197.5 feet south of the south right-of-way line of Walnut Street; thence east to the west right-of-way line of Market Avenue; thence northeasterly to the centerline of Market Avenue, at a point approximately 190 feet south of the south right-of-way line of Walnut Street; thence east, along the centerline of a 20 feet wide alley as shown on

the final plat of John S. Phelps Addition, a distance of 183.38 feet to the centerline of a 16.75 feet wide alley as shown on said final plat of John S. Phelps Addition; thence south, along said centerline of the alley, to the centerline of Elm Street; thence east, along the centerline of Elm Street to the centerline of Campbell Avenue; thence north, along the centerline of Campbell Avenue to the point of beginning.

EXHIBIT 2

**PETITION TO AMEND AND RESTATE
THE PETITION TO ESTABLISH THE
DOWNTOWN SPRINGFIELD
COMMUNITY IMPROVEMENT DISTRICT**

Springfield, Greene County, Missouri

Submitted October 17, 2015

**PETITION TO AMEND AND RESTATE THE PETITION TO ESTABLISH THE
DOWNTOWN SPRINGFIELD COMMUNITY IMPROVEMENT DISTRICT**

To the City Council of the City of Springfield, Greene County, Missouri (the “City”)

The undersigned (the “Owners”), being the owners of record of more than fifty percent (50%) by assessed value of the real property within the boundaries of the Downtown Springfield Community Improvement District (the “District”) and represent more than fifty percent (50%) per capita of all owners of real property within the boundaries of the District, do hereby petition and request that the City approve and establish the Downtown Springfield Community Improvement District in order to fund all or part of the cost of services and public improvements provided and made within the District under the authority of Sections 67.1401 to 67.1571, RSMo. (the “Community Improvement District Act” or “Act”) in accordance with this Petition.

1. Legal Description and Map of District Boundaries; Property Areas; Ownership.

The legal description of the District is attached hereto as Exhibit A. A map illustrating the District boundaries is attached hereto as Exhibit B. The boundaries of the District are contiguous. The Owners are the owners of more than 50% by assessed value of the real estate within the District and represent more than 50% per capita of all owners of real property within the boundaries of the District.

Name of District.

The name of the District is the “Downtown Springfield Community Improvement District.”

2. Signatures May Not Be Withdrawn Later Than Seven Days After Submittal.

Notice has been provided to all Petition signers that their signatures may not be withdrawn later than seven (7) days after the filing of this Petition with the City Clerk. This notice is included on each signature page attached to this Petition.

3. Five-Year Plan.

A five-year plan stating a description of the purposes of the District, the services it will provide, the improvements it will make, and an estimate of costs of these services and improvements to be incurred is attached hereto as Exhibit C and Exhibit C-1

4. Type of District.

The District will be a political subdivision of the State of Missouri.

5. Board of Directors.

The District will be governed by a board of directors (the “**Board**”), whose members shall be appointed by the Mayor of the City of Springfield (the “**Mayor**”) with the consent of the City Council of Springfield (the “**City Council**”) in accordance with the qualifications as established by law and as set forth below.

There shall be 11, 13, or 15 director positions on the District’s board of directors as determined by the board of directors by resolution adopted from time to time.

A. Qualifications.

Each Director shall meet the following requirements:

1. Be at least eighteen (18) years of age; and
2. Be either an owner of real property within the District as defined in the Act (“Property Owner”), the legally authorized representative of an owner of real property in the District (“Property Owner Representative”), an owner of a business operating within the District (“Business Owner”), the legally authorized representative of an owner of a business operating within the District (“Business Owner Representative”), or a registered voter residing in the District (“Registered Voter”); and
3. Be nominated pursuant to a slate submitted by the Board to the City Council pursuant to the nominating procedures set forth below.

B. Representation

1. A minimum of seven (7) directors must be either Property Owners or Property Owner Representatives that are not exempt from real property taxes;
2. A minimum of two (2) directors must be Business Owners or Business Owner Representatives and must not own real property located within the District;
3. A minimum of one (1) director must be a Registered Voter, so long as there are registered voters living in the District; and
4. A minimum of one (1) director must be the authorized representative of a Property Owner that is exempt from real property taxes, so long as such owners exist.

Each director may represent more than one of the foregoing categories.

The failure of the Board to meet representation requirements set forth in this **Section 6.B.** shall not affect the Board's authority to hold meetings, exercise any of the District's powers or take any action that is otherwise lawful.

C. Nominating Committee

The Board shall appoint a nominating committee of five (5) persons, with:

1. At least one (1) owner of real property within the District having a cumulative assessed value in the top one-half by assessed value of all owners of real property in the District;
2. At least one (1) owner of real property within the District having a cumulative assessed value in the bottom one-half by assessed value of all owners of real property within the District;
3. At least one (1) registered voter living within the District; and
4. At least one (1) business owner owning a business in the District.

In addition to the aforementioned criteria, all such persons must be at least eighteen (18) years of age. Each member of the nominating committee may represent more than one of the foregoing categories. A person is not required to be a member of the Board to be eligible to serve on the nominating committee.

D. Nominating Process

1. The nominating committee shall submit a slate to the Board for its approval. In preparing each slate, the nominating committee shall adhere to the following criteria:
 - a. Each person nominated must meet the qualifications specified in **Section 6.A.** of this Petition; and
 - b. The nominating committee must ensure that the slate submitted maintains the Board representation as set forth in **Section 6.B.** of this Petition.
2. Once a slate has been approved by the Board, the slate shall be submitted to the City Clerk by the Board. The City Clerk shall immediately deliver the slate to the Mayor. The Mayor may appoint the successor Directors according to the slate submitted, and the City Council shall consent by resolution to the appointment; or the Mayor or the City Council may reject the slate submitted and request in writing, with written reasons for rejection of the slate, that the Board submit an alternate slate.

3. If an alternate slate is requested, the Board shall submit an alternate slate to the City Clerk. The City Clerk shall immediately deliver the alternate slate to the Mayor. The Mayor may appoint the successor Directors according to the alternate slate submitted, and the City Council shall consent by resolution to the appointment; or, the Mayor or the City Council may reject the alternate slate submitted and request that the Board submit another alternate slate.
4. The procedure described above shall continue until the successor Directors are appointed by the Mayor with the consent of the City Council.

E. Successor Directors.

Successor directors shall be appointed as provided herein. The proposed directors shall meet the qualifications and satisfy the representation criteria set for in Sections 6.A. and B. of this Petition. The initial Board was duly constituted, serving such terms as provided by law. Hereafter, all successor directors shall serve four (4) year terms.

F. Removal

Any director may be removed for cause or to ensure the representation requirements set forth in **Section 6.B.** of this Petition are met, pursuant to the provisions of the Act.

In the event for any reason a Director is not able to serve his or her full term or is removed from the Board for any reason (“Exiting Director”), any vacancy to the Board shall be filled by appointment of an interim director (“Interim Director”) which shall be nominated by the remaining Directors and appointed by the Mayor as described above. Notwithstanding anything to the contrary, any Director’s failure to meet the qualification requirements set forth in this Article, either in a Director’s individual capacity or in a Director’s representative capacity, shall constitute cause for the Board to take appropriate action to remove said Director. Provided, however, that the failure to meet such representation requirements shall not affect the Board’s authority to hold meetings, exercise any of the District’s powers or take any otherwise lawful action, assuming a lawful quorum to do so.

6. Total Assessed Value.

As of the date of submittal, the total assessed value of all real property located within the District is \$39,151,240.

7. Determination of Blight.

The District does not seek a determination of blight.

10. Life of District.

The District will continue to exist and function for a period of fifteen (15) years following the effective date of the ordinance establishing the District or until December 31, 2030, whichever last occurs.

11. Maximum Rates of Business License Tax, Real Property Tax and Sales Tax.

A. License and Real Estate Taxes.

The District will not impose business license taxes or real estate taxes.

B. Sales and Use Taxes.

The District may impose a sales and use tax, at a maximum rate of one-half (1/2) cent, on all retail sales made in the District that are subject to taxation pursuant to Sections 144.010 to 144.525, R.S.Mo., except sales of motor vehicles, trailers, boats or outboard motors and sales to or by public utilities (the "CID Sales Tax").

12. Maximum Rates of Special Assessments and the Method of Assessment.

A. The District may impose a special assessment against real property within its boundaries at a maximum rate of \$0.75 per one hundred dollars (\$100) of assessed value upon receipt of a petition that is signed by:

1. Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and
2. More than fifty percent per capita of the owners of all real property within the boundaries of the district.

B. The special assessment petition shall be substantially similar to the Petition attached as Exhibit D.

13. Limitations on Borrowing Capacity.

The District will have the authority to borrow funds from any public or private source and issue obligations and provide security for the repayment of same as provided by the Act and as otherwise provided by law.

14. Limitations on Revenue Generation.

The parties who have executed this Petition do not desire to establish any limitations on the revenue generation of the District.

15. Other Limitations on District Powers.

The District will have the authority and powers granted to community improvement districts and political subdivisions under the Act and as otherwise provided by law.

16. Annual Reports and Meetings.

The District shall comply with the reporting and meeting requirements described in Sections 67.1471 and 105.145, R.S.Mo., and acknowledges that such meetings shall be open to the public.

17. Request for Ordinance Establishing District.

The parties who have executed this Petition respectfully request the City Council to establish the District in accordance with this document.

18. Severability.

If any provision of this Petition shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case, or in all cases, because it conflicts with any other provision or provisions or this Petition or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision contained in this Petition invalid, inoperative or unenforceable to any extent whatsoever.

[Remainder of page left intentionally blank. Signature Pages follow]

CLERK'S RECEIPT OF PETITION

This Petition to Amend and Restate the Petition to Establish the Downtown Springfield Community Improvement District was filed in the office of the City Clerk of Springfield, Missouri on the 17th day of October, 2015.



Anita J. Cotter, CMC/MRCC
City Clerk

[SEAL]



EXHIBIT A

District Legal Description

Beginning at the intersection of the centerline of Campbell Avenue and the northernmost centerline of Elm Street; thence east along centerline of Elm Street to a point approximately 180 feet east of the east right-of-way line of Kimbrough Avenue; thence north 265.17 feet to the northeast corner of Lot 2 of John S. Kimbrough's Third Addition; thence east 79.00 feet to the southeast corner of Lot 1 of said John S. Kimbrough's Third Addition; thence north 232.30 feet to the south right-of-way line of Walnut Street; thence northwesterly to a point on the north right-of-way line of Walnut Street approximately 250.5 feet east of the east right-of-way line of Kimbrough Avenue; thence north approximately 212 feet; thence east to a point approximately 300 feet east of the east right-of-way line of Kimbrough Avenue; thence north to a point on the centerline of St. Louis Street; thence west along the centerline of St. Louis Street to a point approximately 147 feet east of the east right-of-way line of Kimbrough Avenue; thence north to a point on the centerline of East Trafficway Street; thence west to the intersection of the centerlines of East Trafficway Street and Kimbrough Avenue, which is also known as Benton Avenue and as Memorial Plaza; thence north along the centerline of Benton Avenue and Memorial Plaza to the centerline of Phelps Street; thence west along the centerline of Phelps Street to the centerline of Jefferson Avenue; thence north along the centerline of Jefferson Avenue approximately 360' to the centerline of Tampa Street; thence west along the centerline of Tampa Street to the centerline of Robberson Avenue; thence north along the centerline of Robberson Avenue to the centerline of Chestnut Expressway; thence west along the centerline of Chestnut Expressway to the centerline of Campbell Avenue; thence south along the centerline of Campbell Avenue approximately 910 feet to the centerline of Tampa Street; thence west along the centerline of Tampa Street to the centerline of Main Avenue; thence south along the centerline of Main Avenue to a point 276.33 feet south of the north line of Section 23, Township 29 North, Range 22 West; thence west to the west right-of-way line of Main Avenue, being at the northeast corner of a tract of land currently owned by the City of Springfield as described in a Quit-Claim Deed recorded in Book 2006 at page 18815-06 of the Greene County Recorder's office; thence westerly, along the north line of said tract of land, to the centerline of Grant Avenue as defined by the centerline of the Grant Avenue viaduct structure and pavement; thence south, along said centerline of Grant Avenue, approximately 642 feet to the intersection with the northeasterly extension of the south right-of-way line of a 20 feet wide alley as partially dedicated and defined on the final plat of R.A. McCluer's Addition; thence southwest, along said south right-of-way line extension, being a line 140 feet north of and parallel with the north right-of-way line of College Street, to a point 150 feet northeast of the northeast corner of Lot 60 in said R.A. McClure's Addition; thence south to the centerline of College Street; thence southwest, along the centerline of College Street, to the centerline of Douglas Avenue; thence south, along the centerline of Douglas Avenue, to the centerline of Walnut Street; thence east, along the centerline of Walnut Street to the centerline of Main Avenue; thence south, along the centerline of Main Avenue to a point approximately 197.5 feet south of the south right-of-way line of Walnut Street; thence east to the west right-of-way line of Market Avenue; thence northeasterly to the centerline of Market Avenue, at a point approximately 190 feet south of the south right-of-way line of Walnut Street; thence east, along the centerline of a 20 feet wide alley as shown on

the final plat of John S. Phelps Addition, a distance of 183.38 feet to the centerline of a 16.75 feet wide alley as shown on said final plat of John S. Phelps Addition; thence south, along said centerline of the alley, to the centerline of Elm Street; thence east, along the centerline of Elm Street to the centerline of Campbell Avenue; thence north, along the centerline of Campbell Avenue to the point of beginning.

EXHIBIT B

Map of District Boundaries

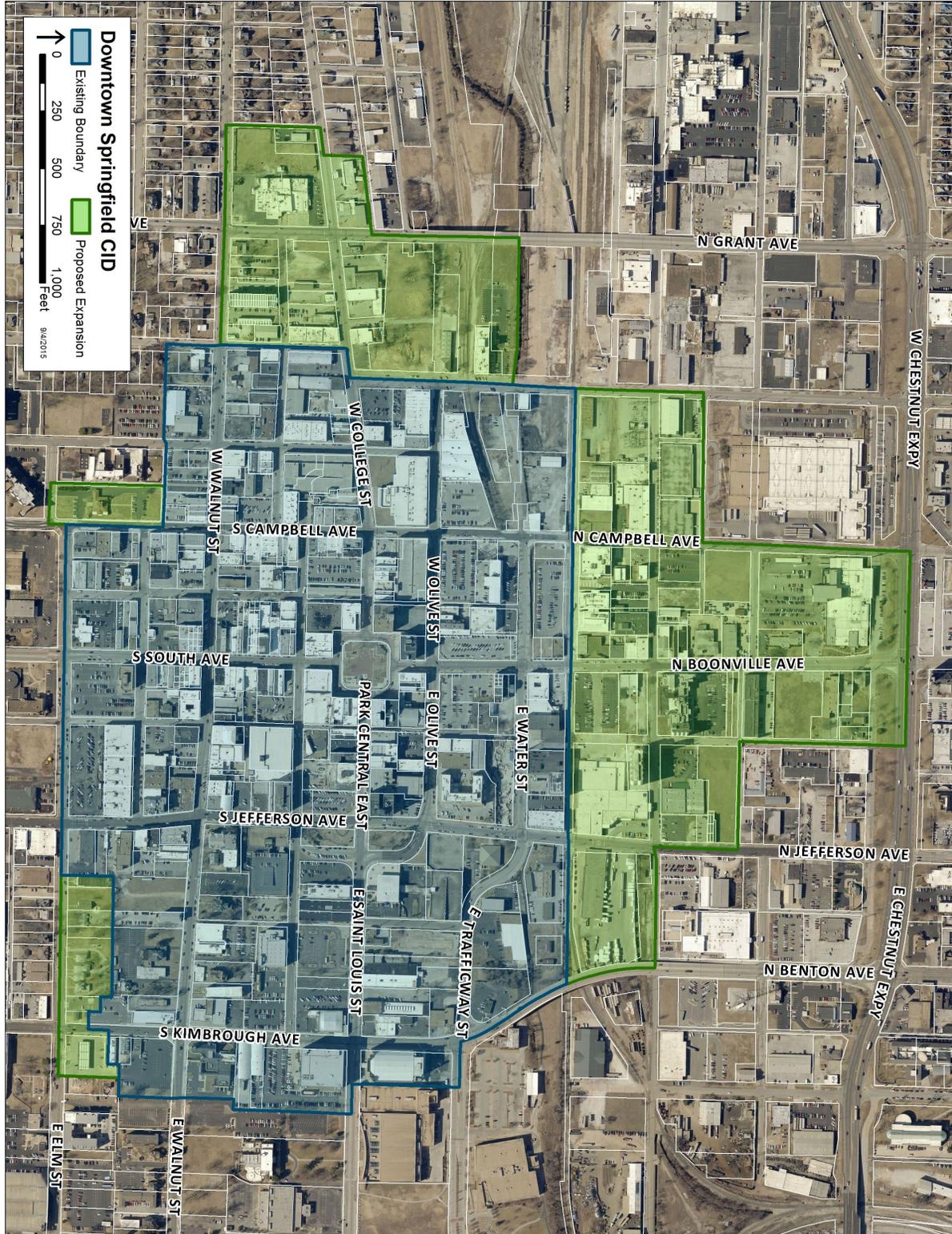


EXHIBIT C

Five-year Plan

A. Purpose of the District. The purposes of the District are to:

- 1) Provide or cause to be provided for the benefit of the District, certain improvements and services described in Paragraphs B and C of this Exhibit;
- 2) To levy and collect the CID Sales Tax and Special Assessments against real property in order to provide a source of repayment for the CID Projects and related expenses; and
- 3) Such other purposes as authorized by the Act.

B. Services. The services to be performed by the District shall include, but not be limited to, the following:

- 1) The District will generally provide for:
 - a. Cleaning and maintenance of public sidewalks, alleys, and parking lots;
 - b. Removal of litter and sweeping of sidewalks as well as sidewalk cleaning, and snow removal on snow routes as needed;
 - c. Removal of trash from public sidewalk receptacles;
 - d. Operation of shared private trash collection;
 - e. Enforcement of parking on public ways and public lots;
 - f. Coordination of police, safety and security presence;
 - g. Creation of information and image enhancement, such as maintaining a website, publishing visitor guides and maps, installing and maintaining street furniture and banners on public property, as well as additional services approved by the Board;
 - h. Acquisition of personal property or any interest in such property consistent with the District's mission and intent, and;
 - i. Administrative services and personnel (contracted and/or hired employees) necessary to manage the District as approved by the Board.
- 2) The District may also provide for:
 - a. Additional police, safety and security services;
 - b. Acquisition of real property or any interest in such property consistent with the District's mission and intent;
 - c. Sell, lease, exchange, transfer, assign or otherwise encumber or dispose of any real or personal property or any interest in such property;

- d. Provide assistance to and/or to construct, install, repair, maintain and equip any useful, necessary or desired improvement; and
 - e. Enter into contracts for services consistent with the mission and intent of the District.
- 3) Adopting bylaws, passing resolutions, and otherwise governing the District in the manner required by the Act and the revised statutes of the State of Missouri;
 - 4) Developing funding sources, including the levying of the CID Sales Tax and Special Assessments against real property, necessary in order to pay for the required expenses, costs and expenses of the District and to pay for the CID Projects in a manner authorized by the Act;
 - 5) Providing such accountings, reports and communications as are required by the Act and the Agreement; and,
 - 6) Providing such other services as are authorized by the Act.
- C. Budget.** The estimated five-year budget for the District is attached to and made a part of this Petition as Exhibit C-1.

EXHIBIT C-1

Five-Year Budget

	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>
Revenue						
Sales Tax ¹	\$145,000	\$290,000	\$295,800	\$301,700	\$308,000	\$314,000
Special Assessments ²	\$170,000	\$220,000	\$224,400	\$229,000	\$234,000	\$238,000
Extended Parking						
Passes	\$10,000	\$8,000	\$8,000	\$5,500	\$5,500	\$6,000
Guide & Banner Ads	\$3,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Voluntary Contributions	\$22,000	\$35,500	\$36,000	\$36,000	\$37,000	\$37,000
<u>Interest Income</u>	<u>\$2,000</u>	<u>\$2,000</u>	<u>\$2,000</u>	<u>\$2,000</u>	<u>\$2,000</u>	<u>\$2,000</u>
Total Revenues	\$352,000	\$560,500	\$571,200	\$579,200	\$591,500	\$602,000
Expense	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>
Administration	\$7,500	\$7,500	\$8,000	\$8,000	\$8,500	\$8,500
Management Contract	\$60,000	\$60,000	\$61,200	\$62,200	\$63,600	\$65,000
Renewal Reserve	\$2,600	\$2,750	\$3,000	\$3,000	\$3,000	\$3,000
Image Enhancement	\$52,500	\$111,000	\$113,000	\$114,000	\$116,000	\$118,000
Maintenance	\$152,000	\$240,500	\$245,000	\$249,000	\$254,000	\$259,000
Parking	\$35,400	\$26,750	\$27,000	\$27,500	\$28,000	\$28,500
<u>Safety & Security</u>	<u>\$42,000</u>	<u>\$112,000</u>	<u>\$114,000</u>	<u>\$115,500</u>	<u>\$118,400</u>	<u>\$120,000</u>
Total Expenses	\$352,000	\$560,500	\$571,200	\$579,200	\$591,500	\$602,000
Net Revenue	\$0	\$0	\$0	\$0	\$0	\$0

¹ The sales and use taxes were based on a rate of one-half (1/2) cent. The maximum sales tax rate authorized by this petition is one-half (1/2) cent.

² Special assessments on real property were calculated using the 2015 rate of \$0.4020 per \$100 of assessed valuation. For properties entitled to real property tax abatement, the assessed values of such properties were based on the assessed valuation they would otherwise have if they were not entitled to tax abatement as determined by the county assessor. The maximum special assessment rate is \$0.7500 per \$100 of assessed valuation. Beginning in 2016, the special assessment rate may be increased by the lesser of 3% per year or the percentage increase of the U.S. Consumer Price Index.

Exhibit D

**PETITION TO IMPOSE SPECIAL ASSESSMENTS
IN DOWNTOWN SPRINGFIELD
COMMUNITY IMPROVEMENT DISTRICT**

The following property owners petition the Board of the Downtown Springfield Community Improvement District ("**District**") to impose a special assessment on the property described in the Petition to create the District. This petition is to be effective upon approval by the City of Springfield of such Petition to create the District.

The Downtown Springfield Community Improvement District ("District") shall be authorized to levy special assessments against real property benefited within the District for the purpose of providing revenue to complete the services identified in **Exhibit D** of the Petition to create the District, attached hereto for reference. Such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property per one hundred dollars (\$100) of assessed value in an amount not to exceed \$0.7500 dollars per \$100 assessed valuation.

Such authorization to levy the special assessment shall expire on December 31, 2030. The tracts of land, with common addresses and legal descriptions, located in the District which will receive special benefit from this service and/or projects are attached hereto on **Exhibits A-C** of the Petition to create the District, attached hereto for reference.

Beginning in the year 2016, such maximum rates may, at the discretion of the Board of Directors of the District, increase by the lesser of 3% per year or the percentage increase in the U.S. Consumer Price Index for all Urban Consumers: U.S. City Average for all items (prepared by the United States Department of Labor Bureau of Labor Statistics) for the twelve (12) month period ending on the last day of the two months preceding the date on which the District determines new levy rates of the assessment. For purposes of property that is entitled to real property tax abatement, the assessed value of such property shall be deemed to be that assessed value which such property would have had if it were not entitled to such tax abatement as determined by the county assessor.

Name

Signature

Property

STATE OF MISSOURI)
) ss.
COUNTY OF GREENE)

Before me personal appeared _____, to me personally known to be the individual described in and who executed the foregoing instrument.

Witness my hand and official seal this _____ day of _____, 2015.

Notary Public in and for said County and State
(Type, print or stamp the Notary's name below his or her signature)

My commission expires:

EXHIBIT A

881313308004	881323101002	881323111024	881323145026	881323145068
881313309010	881323101005	881323111025	881323145027	881323145069
881313309013	881323102002	881323111026	881323145028	881323145070
881313309014	881323102005	881323111027	881323145029	881323145071
881313309022	881323102006	881323111028	881323145030	881323146029
881313309024	881323103004	881323111029	881323145031	881323146040
881313309025	881323103006	881323111030	881323145032	881323147003
881313310002	881323103007	881323111031	881323145033	881323147004
881313310006	881323103008	881323111032	881323145034	881323147008
881313310008	881323105001	881323111033	881323145035	881323147024
881313310010	881323105002	881323111034	881323145036	881324204003
881313310013	881323105003	881323111035	881323145037	881324204004
881313310014	881323105017	881323112023	881323145038	881324205008
881313310020	881323105018	881323112063	881323145039	881324205009
881313310021	881323105022	881323112072	881323145040	881324207006
881313310022	881323105023	881323112073	881323145041	881324207008
881313310023	881323105024	881323112074	881323145042	881324207016
881313310024	881323107011	881323112076	881323145043	881324207024
881313310025	881323107021	881323113002	881323145044	881324207026
881313310026	881323107025	881323119001	881323145045	881324207027
881313311001	881323108005	881323119008	881323145046	881324207037
881313311009	881323108015	881323119011	881323145047	881324207038
881313312010	881323108016	881323119012	881323145049	881324207039
881313312015	881323108017	881323120010	881323145050	881324207041
881313312016	881323108018	881323121003	881323145051	881324207042
881313313007	881323108020	881323121004	881323145052	881324207043
881313313014	881323109001	881323145001	881323145056	881324207045
881313313015	881323109004	881323145002	881323145057	881324208001
881313317010	881323109005	881323145005	881323145058	881324208002
881313317012	881323109011	881323145015	881323145060	881324208019
881313318002	881323109012	881323145018	881323145061	881324208020
881313318009	881323111018	881323145020	881323145062	881324209004
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881314406011	881323111021	881323145023	881323145065	881324209013
881314406012	881323111022	881323145024	881323145066	881324210001
881314406014	881323111023	881323145025	881323145067	881324210005

881324210006	881324218021	881324220022	881324231006	881324234022
881324210007	881324218022	881324221002	881324231010	881324235009
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881324211005	881324218025	881324223017	881324232011	881324236004
881324211008	881324218026	881324223019	881324232013	881324236008
881324211010	881324218027	881324224001	881324232014	881324236009
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881324212016	881324219001	881324226007	881324232030	881324239009
881324213001	881324219003	881324226008	881324232033	881324239010
881324213002	881324219004	881324226009	881324232038	881324240002
881324213004	881324219005	881324226019	881324232041	881324240005
881324213006	881324219006	881324226020	881324232042	881324240007
881324213015	881324219007	881324226021	881324232043	881324240008
881324213016	881324219010	881324226024	881324232044	881324242008
881324213017	881324219012	881324226025	881324232045	881324242013
881324213021	881324219020	881324226026	881324232046	881324242014
881324213022	881324219021	881324226027	881324232047	881324242020
881324214003	881324219022	881324226028	881324232048	881324242045
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881324214006	881324219024	881324226030	881324232051	881324242054
881324214010	881324219025	881324226031	881324233001	881324242055
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881324215012	881324219028	881324226035	881324233004	881324246005
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881324217001	881324219030	881324230005	881324233006	881324232051A
881324217003	881324219031	881324230006	881324233009	881324232051B
881324217004	881324220001	881324230007	881324234009	881324242053A
881324218003	881324220014	881324231001	881324234010	
881324218020	881324220020	881324231005	881324234020	

One-rdg. _____
P. Hrngs. X
Pgs. 13
Filed: 01-05-16

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 002

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Section 1-9 of the Springfield City Code, City Limits, by annexing
2 approximately 1.88 acres of private property and 0.27 acres of Greene
3 County right-of-way into the City of Springfield, generally located at 2716-
4 2736 West Republic Street and 4229 South Scenic Avenue, generally
5 referenced as Annexation A-8-15; and amending the Springfield City
6 Code, Chapter 46, Section 46-1, Boundaries of wards, precincts and
7 council zones, by adding this property to the ward and precinct assigned
8 them by the County Clerk.
9

10
11 WHEREAS, a verified petition requesting annexation was filed by the owners of
12 all fee interests of record in all tracts of real property located within the area proposed to
13 be annexed, as described in "Exhibit A" attached hereto; and
14

15 WHEREAS, said petition was presented to the City Council more than fourteen,
16 but less than sixty days prior to the public hearing thereon; and
17

18 WHEREAS, proper notice was published at least seven days prior to the public
19 hearing; and
20

21 WHEREAS, the City Council now makes a determination regarding the
22 annexation of said real property.
23

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

27 Section 1 – The City Council, after holding public hearing, hereby determines that
28 the annexation of the property described in "Exhibit A," attached hereto and
29 incorporated herein by reference, is reasonable and necessary to the proper
30 development of the City, and the City has the ability to furnish normal municipal services
31 to the area annexed within a reasonable time.
32

33 Section 2 – Section 1-9, City Limits, is hereby amended by adding thereto the

34 land described in "Exhibit A," generally located at 2716-2736 West Republic Street and
35 4229 South Scenic Avenue, and contiguous to the city limits, which land shall be in
36 addition to all territory included within the corporate limits of the City.

37
38 Section 3 – Section 46-1, Boundaries of wards, precincts and council zones, is
39 hereby amended by placing the property described on "Exhibit A" into the appropriate
40 ward and precinct as determined by the County Clerk in accordance with the provisions
41 of State law.

42
43 Section 4 – The City Clerk is directed to: (1) file three certified copies of this
44 annexation ordinance with the Clerk of Greene County; and (2) forward to the Missouri
45 Director of Revenue by U.S. registered mail or certified mail, a certified copy of this
46 ordinance, accompanied by a map of the City clearly showing the territory added
47 thereto.

48
49 Section 5 – This ordinance shall be in full force and effect from and after
50 passage.

51
52 Passed at meeting: _____

53
54 _____
55 Mayor

56
57 Attest: _____, City Clerk

58
59 Filed as Ordinance: _____

60
61 Approved as to form: A. Chalcraft, Wladimir, Assistant City Attorney

62
63 Approved for Council action: Greg B. Burnett, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 002

FILED: 01-05-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to annex approximately 1.88 acres of private property and 0.27 acres of Greene County right-of-way into the City of Springfield, generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue, generally referenced as Annexation A-8-15.

BACKGROUND INFORMATION: The property owners of 1.88 acres of private property generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue have requested annexation into the City of Springfield. A petition to annex this property has been presented to the City Clerk and the petition was initiated at the City Council meeting on November 23, 2015 (Resolution No. 10247). At the applicant's request, a zoning case to rezone the subject properties from a Greene County R-1, Suburban Residence District, to a City GR, General Retail District, will be presented to City Council for a public hearing at a later date.

This request includes the annexation of approximately 0.27 acres of Greene County right-of-way (Republic Street) and the intersecting of Farm Road 137 (Scenic Avenue). Greene County supports the annexation as requested.

City Council is required to hold a public hearing to determine whether the annexation is reasonable and necessary for the proper development of the City and whether the City has the ability to furnish normal services within a reasonable period of time. If no written objection is filed within fourteen (14) days of the public hearing, the City may annex the property by ordinance without further action.

The annexation 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 transis corridors.

REMARKS: The area to be annexed "Exhibit A," is contiguous to the City of Springfield. See "Exhibit B" for the location of the private property and right-of-way to be annexed.

RECOMMENDATIONS:

1. The area to be annexed is contiguous to the City of Springfield and all City services can be provided to the property.
2. The Growth Management and Land Use Plan of the Comprehensive Plan supports the annexation because it enhances government efficiencies through rational and simplified city boundaries.
3. The City will receive sales and property tax revenue upon annexation of this property.

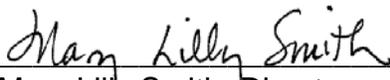
Staff recommends the annexation of this right-of-way.

Submitted by:



R. Daniel Neal, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department and Agency Review

Attachment 2, Annexation Schedule

EXHIBIT A
ANNEXATION A-8-15
ANNEXATION DESCRIPTION

PRIVATE PROPERTY ANNEXATION:

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

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

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

REPUBLIC ROAD RIGHT-OF-WAY ANNEXATION:

A PART OF THE REPUBLIC ROAD RIGHT-OF-WAY IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 28 NORTH, RANGE 22 WEST, GREENE COUNTY, MISSOURI, BEING ALL THAT RIGHT-OF-WAY LYING SOUTH OF THE EXISTING CITY LIMITS OF SPRINGFIELD, MISSOURI, AS DESCRIBED IN CITY OF SPRINGFIELD GENERAL ORDINANCE NUMBER 4889, AND NORTH OF A LINE DESCRIBED FROM THE SURVEYED CENTERLINE OF REPUBLIC ROAD. THE SURVEYED CENTERLINE OF REPUBLIC ROAD, WITHIN THE LIMITS OF THIS ANNEXATION, IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16, TOWNSHIP 28 NORTH, RANGE 22 WEST; THENCE NORTH 88 DEGREES 35 MINUTES 46 SECONDS WEST, 524.63 FEET TO THE POINT OF BEGINNING, SAID POINT DESIGNATED AS STATION 0+00; THENCE SOUTH 85 DEGREES 32 MINUTES 29 SECONDS EAST, 217.51 FEET TO STATION 2+17.51; THENCE SOUTH 88 DEGREES 37 MINUTES 54 SECONDS EAST, 306.64 FEET TO STATION 5+24.15 FOR A TERMINUS, SAID TERMINUS BEING THE POINT OF INTERSECTION WITH THE SURVEYED CENTERLINE OF SCENIC AVENUE. BEARINGS ARE BASED ON ASTRONOMIC NORTH AS SHOWN ON PLANS FOR REPUBLIC ROAD IMPROVEMENT PROJECTS ON FILE WITH THE DIRECTOR OF PUBLIC WORKS AT CITY HALL IN SPRINGFIELD, MISSOURI, FILE NOS. 8PW4533 AND 8PW4446.

THE SOUTHERLY LINE OF THIS RIGHT-OF-WAY ANNEXATION AREA IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 46.51 FEET RIGHT OF STATION 1+71.23, ON THE SOUTH RIGHT-OF-WAY LINE OF REPUBLIC ROAD AND AT THE CURRENT CITY LIMITS OF THE CITY OF SPRINGFIELD; THENCE DIRECTLY TO A POINT 55.50 FEET

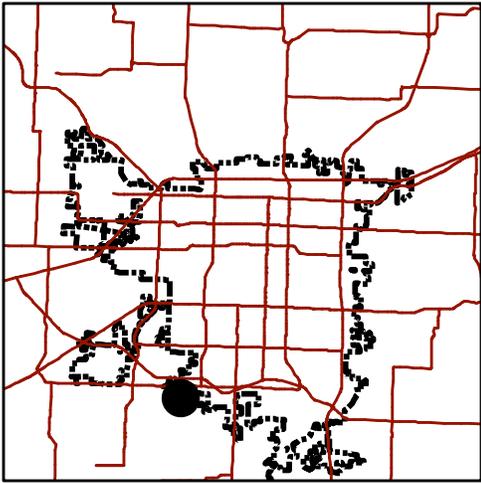
RIGHT OF STATION 3+33.61; THENCE DIRECTLY TO A POINT 55.50 FEET RIGHT OF STATION 4+47.85; THENCE DIRECTLY TO A POINT 95.50 FEET RIGHT OF STATION 4+87.28, BEING ON THE WEST RIGHT-OF-WAY LINE OF SCENIC AVENUE; THENCE SOUTHERLY, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 63.99 FEET TO THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED RECORDED IN BOOK 2251 AT PAGE 2543 OF THE GREENE COUNTY RECORDER'S OFFICE; THENCE EAST, ALONG SAID NORTH LINE, A DISTANCE OF 6.12 FEET TO THE CURRENT CITY LIMITS OF SPRINGFIELD, BEING ON THE WEST RIGHT-OF-WAY LINE OF SCENIC AVENUE, FOR A TERMINUS.

Development Review Staff Report

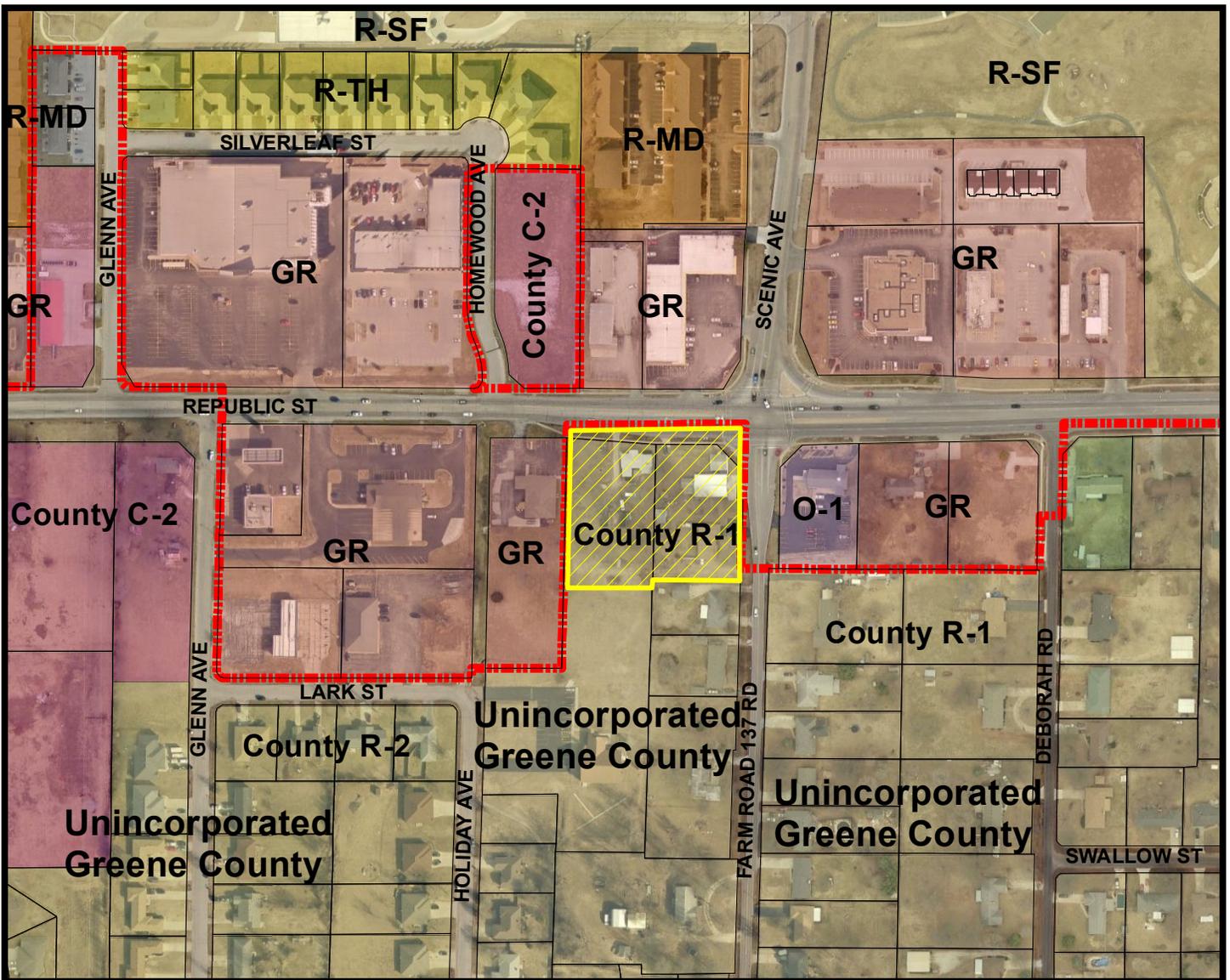
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Annexation A-8-15

Location: 2716-2736 W. Republic St. & 4229 S. Scenic Ave.



LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

DEVELOPMENT REVIEW STAFF REPORT
ANNEXATION A-8-15

TRACT DESCRIPTION:

The legal description of the property involved in annexation A-8-15 is attached as Exhibit A.

EXISTING LAND USE:

The subject properties are currently being used as single-family residences.

CURRENT ZONING:

The private property is currently zoned Greene County R-1, Suburban Residence District. A request to rezone the subject properties to a City GR, General Retail District is being processed and will be presented to City Council at a later date.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* states that City annexations should enhance governmental efficiencies through rational and simplified City boundaries and reduce any potential inter-jurisdictional conflict.

ENVIRONMENTAL CONSTRAINTS:

The proposed annexation does not contain any floodplain areas.

STREETS AND HIGHWAYS:

This proposed annexation will include approximately 0.27 acres of Greene County right-of-way.

RURAL FIRE DISTRICT JURISDICTION:

The right-of-way to be annexed is currently served by the Battlefield Fire Protection District.

ATTACHMENT 1
DEPARTMENT & AGENCY REVIEW
ANNEXATION A-8-15

FIRE DEPARTMENT:

1. **Service** – The primary Fire Station responding to this area would be Station #6 located at 2620 W Battlefield, which is 1.67 miles from the NE corner of the property. Fire Station #9 located at 450 W Walnut Lawn is the secondary station responding to this location, which is 2.93 miles from the NE corner of the property.
2. **ISO area** – The proposed annexation is currently outside the recommended ISO 1.5 mile (ISO diamond) response distance by just over 3/16th of a mile for the 1st due unit. ***This is not significantly greater than the ISO recommendation, so it will not have a significant impact on our ISO rating.***
3. **Response times/Standards of Cover** – Estimated response time was calculated by actual driving time under normal driving conditions. The 1st due company has an estimated total response time of 6 minutes. The 2nd due company has an estimated total response time of 7 minutes and 45 seconds. It is likely the standard of coverage benchmark could be met for single company responses but it is unlikely the benchmark could be met for a full 1st alarm response which requires 3 engines, 2 Trucks, 1 Rescue and 2 Battalion Chiefs to arrive on scene within 11 minutes and 24 seconds. ***The department expects that it is able to meet the initial unit and the effective response force baseline and benchmarks, so it will not negatively affect our accreditation.***

		Estimated Total Response Time	Benchmark*	Baseline**
1 st Due Company	Station 6	5.5 – 6.5 minutes	6 minutes 20 seconds	8 minutes 13 seconds
Total Effective Response Force	Station 9, 8, 10, 1	11 – 13 minutes	10 minutes 20 seconds	13 minutes 18 seconds

4. **Water Supply** – Currently there is adequate water supply to service the proposed area to be annexed. There is one hydrant on the Southeast corner of Scenic and Republic and a second hydrant 300' west of the property on Republic. Depending on the specifics of the development, additional hydrants may be required. ***The Fire Department does not have any concerns with the water supply for this annexation.***
5. **Impact** - The Fire Department is unable to estimate the call activity after development occurs because the type of development is unknown, but is expected to be low under its current zoning. ***The Fire Department does not have any***

concerns with the operational impact to the department.

Fire Department Recommendation: ***Based upon all of the relevant factors, the Fire Department is supportive of this annexation.***

POLICE DEPARTMENT:

Police Recommendations: No objections or impact to the PD.

SANITARY SERVICES:

No objections to annexation. All three tracts are currently served by public sewer.

STORMWATER:

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

1. Any increase in impervious area will require the development to meet current detention and water quality requirements. Existing impervious surfaces currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
2. 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.

TRAFFIC ENGINEERING:

No traffic issues with annexing this property. Most of the existing street infrastructure is currently within the city limits. The zoning requested separately from this annexation will not generate a significant amount of traffic to trigger a traffic study. Please note, sidewalks will be required to be constructed along the property frontage on Scenic at the time of development based on *Section 36-471* of the Zoning Ordinance.

PUBLIC GROUNDS:

No comments.

HEALTH DEPARTMENT:

No comments.

BUILDING DEVELOPMENT SERVICES:

No issues.

ECONOMIC DEVELOPMENT:

No significant economic impact is anticipated with this request; however, additional City property and sales tax will be collected if property is rezoned and redeveloped into a retail use.

NON-CITY AGENCIES REVIEW
ANNEXATION A-8-15

CITY UTILITIES:

No objection. The annexation of these properties will not have a financial impact on CU. All utilities are available.

GREENE COUNTY:

Greene County Highway Department supports this annexation.

MoDOT:

MoDOT has no facilities in this area.

AT&T:

No comments.

SUMMARY:

The annexation is consistent with the Springfield Comprehensive and Growth Management and Land Use Plans.

ATTACHMENT 2
ANNEXATION SCHEDULE
ANNEXATION A-8-15

ANNEXATION:

- Initiate annexation November 23, 2015
- City Council public hearing January 11, 2016
- City Council second reading and vote January 25, 2016

One-rdg. _____
P. Hrngs. X
Pgs. 15
Filed: 01-05-16

Sponsored by: Fishel

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 003

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 12 acres of property, generally located at 5904
3 South Southwood Avenue, from Greene County O-2, Office District to a
4 City GI, Governmental and Institutional Use District; establishing
5 Conditional Overlay District No. 101; and adopting an updated Official
6 Zoning Map. (Staff and Planning and Zoning Commission recommend
7 approval.)
8
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 described in "Exhibit B" of this Ordinance, generally located at 5904 South Southwood
12 Avenue, from Greene County O-2, Office District, to GI, Governmental and Institutional
13 District, and establishing Conditional Overlay District No. 101; and
14

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

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

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

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

30 Section 1 – The property described in "Exhibit B" of this Ordinance be, and the
31 same hereby is, rezoned from Greene County O-2, Office District, or such zoning district
32 as is designated on the Official Zoning Map adopted by the City Council, to GI,
33 Governmental and Institutional District, and establishing Conditional Overlay District No.

34 101; and the Springfield Land Development Code, Section 36-306 thereof, Zoning
35 Maps, is hereby amended, changed and modified accordingly.

36
37 Section 2 – The property described by "Exhibit B" of this ordinance will be subject
38 to Conditional Overlay District No. 101, which is attached hereto as "Exhibit C" and
39 incorporated herein as if copied verbatim, and the requirements of GI, Governmental
40 and Institutional District zoning will be modified by said Conditional Overlay District for
41 development within this property.

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

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

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

54
55 Passed at meeting: _____

56
57 _____
58 Mayor

59
60 Attest: _____, City Clerk

61
62 Filed as Ordinance: _____

63
64 Approved as to form: Achale T. Wiedner, Assistant City Attorney

65
66 Approved for Council action: Greg Burnett, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 003

FILED: 01-05-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 12 acres of property generally located at 5904 South Southwood Avenue from a Greene County O-2, Office District to a City GI, Governmental and Institutional Use District with Conditional Overlay District No. 101.

BACKGROUND INFORMATION: ZONING CASE Z-35-2015 CONDITIONAL OVERLAY DISTRICT NO. 101

City Council annexed the subject property on July 13, 2015. The applicant is proposing to rezone the property from a Greene County O-2, Office District to a City GI, Governmental and Institutional Use District with Conditional Overlay District No. 101. The intent of this application is to limit the uses in the GI District to the existing hospital use with the conditional overlay district. The hospital was developed in the county.

The Growth Management and Land Use Plan Element of the Comprehensive Plan identifies the area as appropriate for Low-Density Housing. The proposed GI, zoning is consistent with the recommendations of the Comprehensive Plan to locate low volume office/ institutional developments along collector or higher classified roadways and as transitions and buffers between higher intensity uses and residential developments.

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 Objective 4b, Increase mixed-use development areas.

REMARKS: The Planning and Zoning Commission held a public hearing on December 10, 2015, and recommended approval, by a vote of 8 to 0, of the proposed zoning 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 Development Review Staff Report) "Exhibit C."

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located at the intersection of Southwood Road which is classified a collector roadway and Evans Road which is classified as a secondary arterial roadway. Hospital uses are an appropriate land use along these types of roadways.
2. Approval of this application will zone the property to a City zoning category consistent to the existing use on the property.

3. The standard development requirements in the GI, Governmental and Institutional Use District along with those required as part of proposed Conditional Overlay District No. 101 are adequate for mitigating any potential impacts of development of this property on the adjacent residential properties.

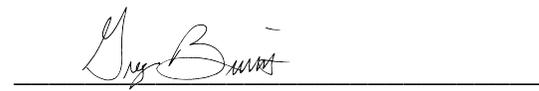
Submitted by:


Bob Hosmer, AICP, Principal Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Greg Burris, City Manager

EXHIBITS:

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

ATTACHMENTS:

- Attachment 1: Department Comments
- Attachment 2: Neighborhood Meeting Summary
- Attachment 3: Conditional Overlay District No. 101 provisions

EXHIBIT A
RECORD OF PROCEEDINGS
Planning and Zoning Commission December 10, 2015

Z-35-2015 COD #101
6000 South Southwood Avenue
Applicant: City of Springfield

Mr. Hosmer stated that this item was tabled at the November 5, 2015 commission meeting and it is a request to rezone approximately 12 acres of property generally located at 5904 South Southwood Avenue from a Greene County O-2, Office District to a City GI, Governmental and Institutional Use District with a Conditional Overlay District No. 101. Growth Management Plan designates this area appropriate for low density housing. We are requesting a COD that would limit the permitted uses on this property to a GI with an overlay district only allowing hospital uses and accessory uses and structures that are allowed in the GI. Staff recommends approval.

Mr. Baird opened the public hearing.

No speakers as the City is the applicant.

Mr. Baird closed the public hearing.

COMMISSION ACTION:

Mr. Ray motioned to **approve** Z-35-2015 w/COD #101. Mr. Edwards **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Edwards, Doennig, Edwards, Shuler and Rose. Nays: None. Abstain: None. Absent: White



Bob Hosmer, AICP
Principal Planner

EXHIBIT B
LEGAL DESCRIPTION
ZONING CASE Z-35-2015 CONDITIONAL OVERLAY DISTRICT NO. 101

All that part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty-eight (28), Township Twenty-eight (28), Range Twenty-one (21) lying West of U.S. Highway #65, and South of that part platted as WILDWOOD ESTATES, in Greene County, Missouri, except any part thereof deeded, taken or used for road or highway purposes.

And A tract of land lying and situated in the NW1/4 of the NE1/4 of Section 28, Township 28 North, Range 21 West and being more particularly described as follows: From a point on the centerline median of Route 65 at station 297 +00 (said point being 48.5 feet North and 247 feet West of the NE corner of the SW1/4 of the NE1/4); thence N58°59'11.5"W, 196.02 feet to the point of beginning which is 155 feet right of Route 65 centerline median station 295+80; thence S01 °22'39.1"E, 146.63 feet to a point on the boundary; thence N89°02'00"W, 295.75 feet to a point on the boundary; thence N74°36'03.1"W, 100.31 feet to a point on the boundary; thence S89°02'00.1"E, 13.12 feet to a point on the boundary; thence N81 °30'15.7"E, 152.07 feet to a point on the boundary; thence S89°0.2'00"E, 140.00 feet to a point on the boundary; thence N41 °55'40.9"E, 127.80 feet to the point of beginning.

Development Review Staff Report

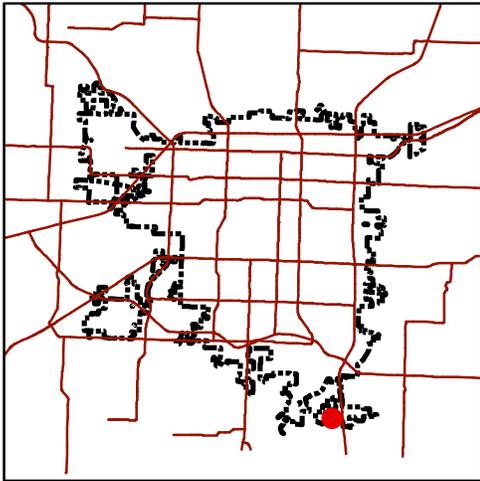
Department of Planning & Development - 417-864-1031
840 Boonville - Springfield, Missouri 65802

Z-35-2015 Conditional Overlay District No. 101

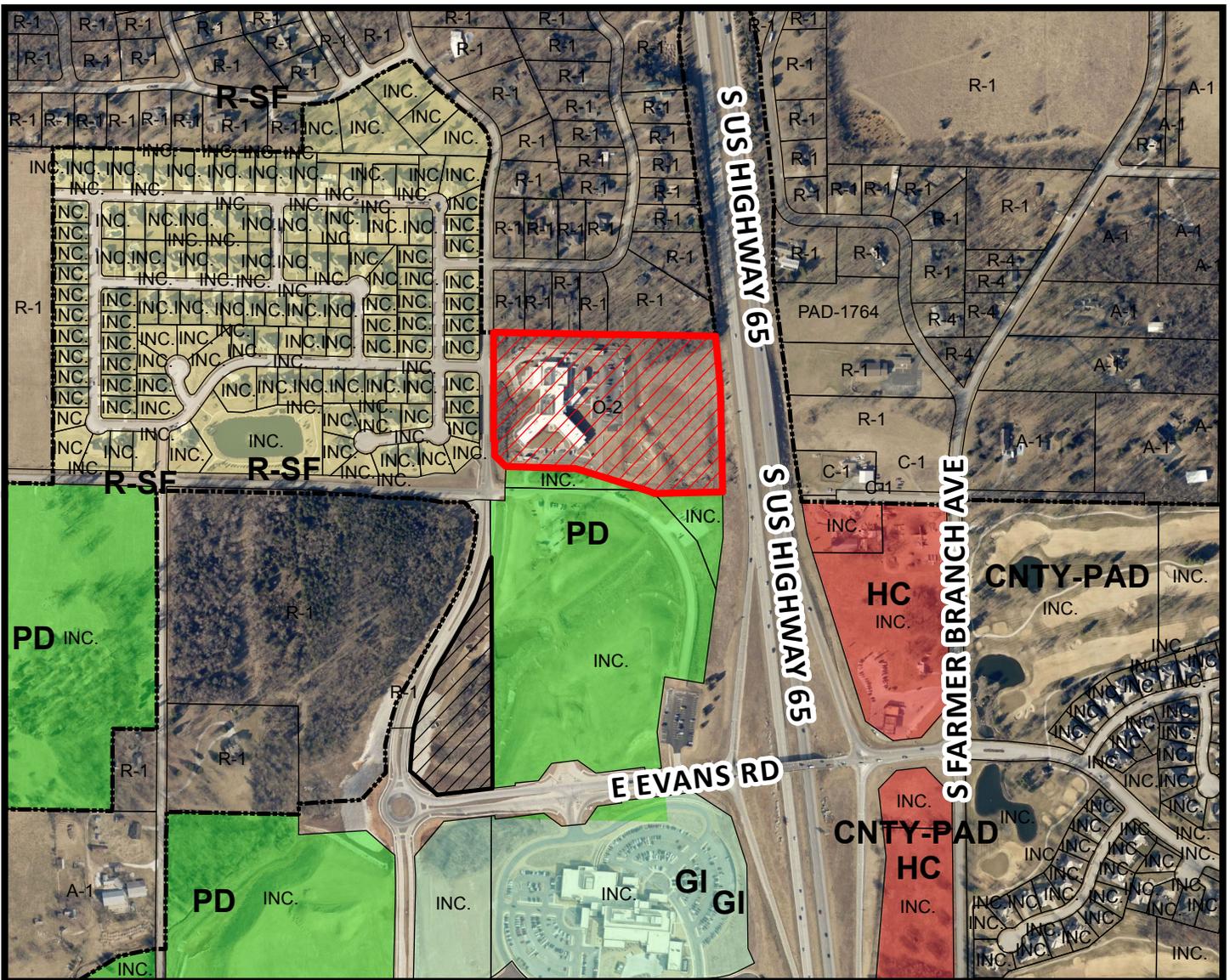
LOCATION: 5904 South Southwood Ave

CURRENT ZONING: Greene Co O-2, Office District

PROPOSED ZONING: City GI, Governmental and Institutional Use District with COD# 101



LOCATION SKETCH



- Area of Proposal

010200 400



1 inch = 650.062657 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-35-2015 CONDITIONAL OVERLAY DISTRICT NO. 101

PURPOSE: To rezone approximately 12 acres of property generally located at 5904 South Southwood Avenue from a Greene County O-2, Office District to a City GI, Governmental and Institutional Use District with a Conditional Overlay District No. 101.

REPORT DATE: October 22, 2015

LOCATION: 5904 South Southwood Avenue

APPLICANT: City of Springfield for Mercy's Rehabilitation Hospital

TRACT SIZE: Approximately 12 acres

EXISTING USE: Mercy's Rehabilitation Hospital

PROPOSED USE: Hospital Use

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located at the intersection of Southwood Road which is classified a collector roadway and Evans Road which is classified as a secondary arterial roadway. Hospital uses are an appropriate land use along these types of roadways.
2. The proposed GI, zoning is consistent with the recommendations of the *Comprehensive Plan* to locate low volume office/ institutional developments along collector or higher classified roadways and as transitions and buffers between higher intensity uses and residential developments.
3. The requested GI, zoning is consistent and compatible with the existing Greene County O-2 district.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	County R-1	Single family homes
East	Right-of-way	Highway 65
South	PD mixed use	vacant
West	R-SF	Single family homes

HISTORY:

The City Council on July 13, 2015 to annex the subject property into the City limits of Springfield. The City's policy is to match to Greene County zoning districts as close to as possible to City zoning districts. The rezoning of the subject property from O-2, Office District to a GI, Governmental and Institutional Use District is consistent since the O-2 District allows for hospital uses.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Low-Density Housing.

STAFF COMMENTS:

1. The subject property is located along Southwood Road, a collector roadway, and Evans Road which is classified as a secondary arterial roadway. Approval of GI zoning at this location is consistent and compatible with the existing hospital use which was constructed in the County. The zoning and development along the east side of Southwood Road provides for a transition between Highway 65 and the residential uses.
2. The rezoning if approved would have to comply with *Section 36-401, Governmental and Institutional Use District of the Zoning Ordinance*, Conditional Overlay District and any other applicable city codes.
3. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on October 14, 2015 regarding the request for GI District zoning. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant on October 14, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Thirteen (13) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff has not received any comments.

CITY COUNCIL MEETING:

January 11, 2016

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Principal Planner
864-1834

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-35-2015 CONDITIONAL OVERLAY DISTRICT NO. 101

BUILDING DEVELOPMENT SERVICES COMMENTS:

1. Building Development Services does not have any issues with the proposed rezoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. Traffic does not have any problems with the direct translation zoning

STORMWATER COMMENTS:

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

1. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports.
2. Any increase in impervious area will require the development to meet current detention and water quality requirements.
3. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.
4. 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.
5. Must obtain MoDOT approval to discharge stormwater onto MoDOT right of way.
6. Must obtain Greene County approval to discharge stormwater onto Greene County right of way.

CLEAN WATER SERVICES COMMENTS:

Clean Water Services does not have any objections to the proposed rezoning. Public sewer is available to the subject property.

CITY UTILITIES:

City Utilities does not have any objection to the proposed rezoning request.

NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: _____ to _____
(existing zoning) *(proposed zoning)*

2. Meeting Date & Time: _____

3. Meeting Location: _____

4. Number of invitations that were sent: _____

5. How was the mailing list generated: _____

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

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

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

September 23, 2015

RE: Rezoning of property at 5904 South Southwood Avenue (Mercy Rehabilitation Hospital) and vacant property in the 6000-6100 Block of South Southwood Avenue (see attached map)

Dear Property Owner:

The City has recently annexed these properties and intends on rezoning the Mercy Rehabilitation Hospital property from a Greene County O-2, Office District to a GI, Governmental and Institutional Use District with a Conditional Overlay District restricting the property to a hospital use only. The property in the 6000-6100 block of South Southwood Avenue is proposed to be rezoned from a Greene County R-1 District to a City R-SF, Single Family Residential District (see map).

The City of Springfield will be conducting a neighborhood meeting to discuss the proposed zoning changes.

Date: October 14, 2015

Time: 4:00 PM to 6:30 PM

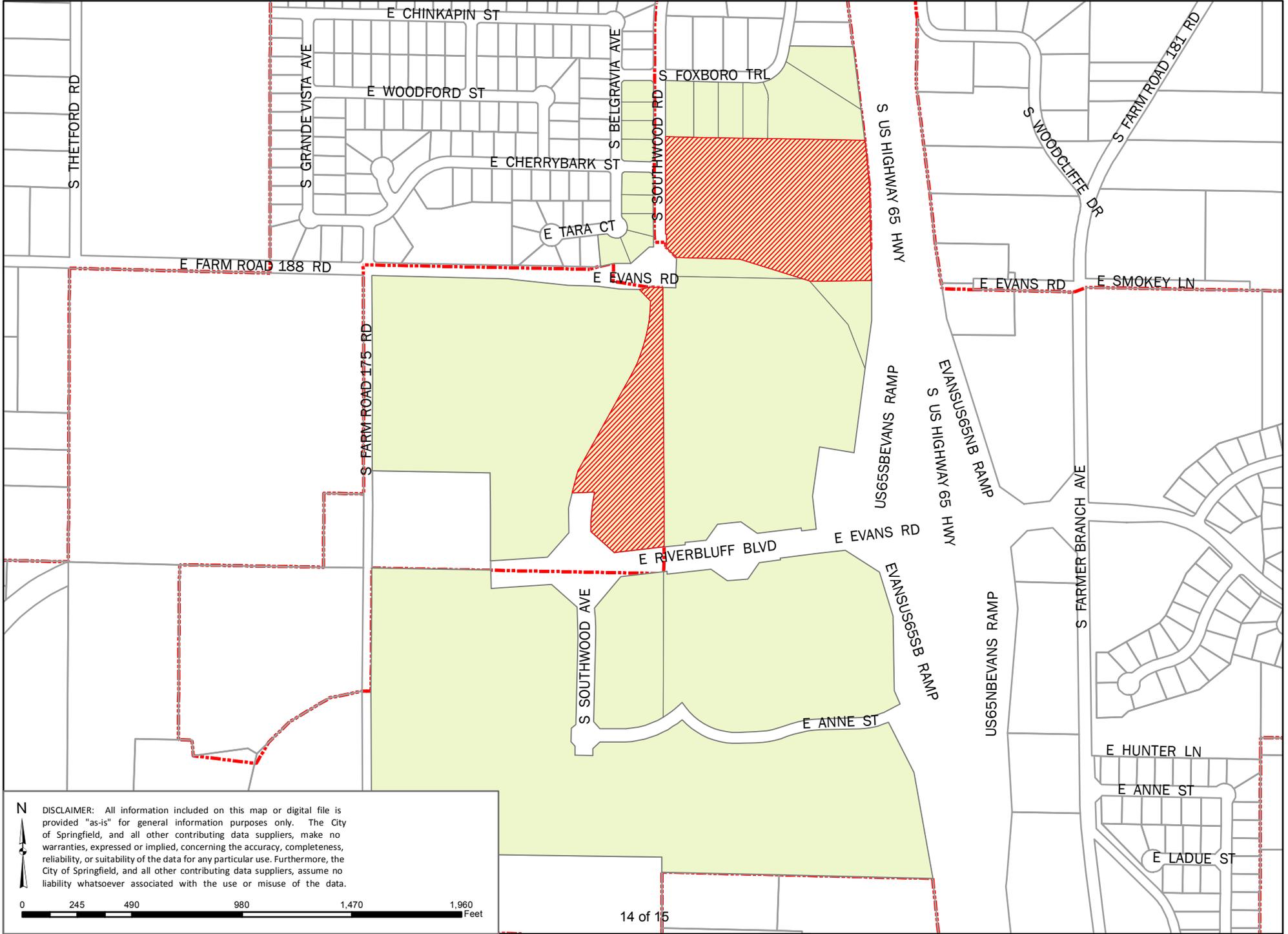
Location: Conference Room "A" (the first door to the right of the Cafe') at the Mercy Orthopedic Hospital located at 3050 East Riverbluff Blvd.

City Staff will be present to answer any questions you may have concerning this proposed rezoning. If you have any questions prior to this meeting, please contact our office at (417) 864-1834.

Cordially,

Bob Hosmer, AICP
Principal Planner

185 foot mailing list



N
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.

0 245 490 980 1,470 1,960 Feet

ATTACHMENT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-35-2015 & CONDITIONAL OVERLAY DISTRICT NO. 101

The requirements of Section 36-401 of the Springfield Zoning Ordinance shall be modified herein for development within this district.

Permitted uses

1. Accessory uses, as permitted by section 36-450, accessory structures and uses.
2. Hospitals with ambulance services as accessory uses
3. Medical Office Use Group
4. Churches and other places of worship including parish houses and Sunday schools.

One-rdg. _____
P. Hrngs. X
Pgs. 17
Filed: 01-05-16

Sponsored by: Fishel

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016-004

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 4.05 acres of property, generally located at 1300-
3 1332 East Republic Street, from a Planned Development No. 84 to HC,
4 Highway Commercial District; and adopting an updated Official Zoning
5 Map. (Staff and Planning and Zoning Commission recommend approval.)
6
7

8 WHEREAS, an application has been filed for a zoning change of the property
9 described on "Exhibit B" of this Ordinance, generally located at 1300-1332 East
10 Republic Street, from a Planned Development No. 84, to HC, Highway Commercial
11 District; and
12

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

18 WHEREAS, proper notice was given of a public hearing before the City Council,
19 and that said hearing was held in accordance with the law.
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 property described in "Exhibit B" of this Ordinance be, and the
25 same hereby is, rezoned from a Planned Development No. 84, or such zoning district as
26 is designated on the Official Zoning Map adopted by the City Council, to HC, Highway
27 Commercial District; and the Springfield Land Development Code, Section 36-306
28 thereof, Zoning Maps, is hereby 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 Maps

34 and 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: _____

43

44

45

Mayor

46

47

Attest: _____, City Clerk

48

49 Filed as Ordinance: _____

50

51

Approved as to form: Achalest Weder, Assistant City Attorney

52

53

Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 004

FILED: 01-05-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 4.05 acres of property generally located at 1300-1332 East Republic Street from a Planned Development No. 84 to an HC, Highway Commercial District.

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-43-2015

The applicant is proposing to rezone the subject property from a Planned Development No. 84 to an HC, Highway Commercial District. The intent of this application is to allow for additional uses within the existing development.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Medium-Intensity Retail, Office or Housing. This mixed category indicates that a variety of office, commercial and/or mid-or high-density housing may be appropriate at major intersections or along certain roadway corridors. Republic Street is classified as a primary arterial roadway, which is a major traffic corridor through the City. Staff supports this request because this property is located at a major intersection near an Activity Center where all HC uses are appropriate.

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.

REMARKS: The Planning and Zoning Commission held a public hearing on December 10, 2015, and recommended approval, by a vote of 8 to 0, of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings "Exhibit A").

The Planning and Development staff recommends the application be approved (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 identifies this as an appropriate area for medium-intensity retail, office or housing. The requested HC, Highway Commercial zoning is consistent with the recommendation.
2. Approval of this application will facilitate redevelopment of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure. These properties are located near the James River Freeway and National Avenue area which is identified as a

Community Activity Center. The *Plan* recommends these areas be developed with greater intensity.

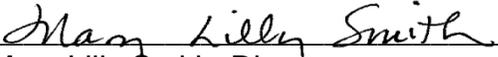
3. Approval of this request will result in a similar type of development as what could be achieved under the existing zoning however, it will provide for a more streamlined process for development of the property.

Submitted by:

Daniel Neal, Senior Planner

Recommended by:

Approved by:


Mary Lilly Smith, Director


Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission December 10, 2015

Z-43-2015

1300 & 1332 East Republic Road

Applicant: John & Rosa Lee Haik

Mr. Hosmer stated that this is an application to rezone approximately 4.05 acres of property generally located at 1300-1332 East Republic Street from a Planned Development No. 84 to an HC, Highway Commercial District. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this as an appropriate area for medium-intensity retail, office or housing. The requested HC, Highway Commercial zoning is consistent with the recommendation. Approval of this application will facilitate redevelopment of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure. These properties are located near the James River Freeway and National Avenue area which is identified as a Community Activity Center. The Plan recommends these areas be developed with greater intensity. Approval of this request will result in a similar type of development as what could be achieved under the existing zoning however, it will provide for a more streamlined process for development of the property. A traffic study was not warranted by Public Works Traffic Division since the rezoning from PD 84 to the HC District will not generate a significant amount of additional traffic between uses permitted in the PD to the uses permitted in the HC district. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Jared Rasmussen, 550 St. Louis Street. This is a zoning case that matches across the street and kind of existing uses that are to the east and west. It is not out of line with the Growth Management states and what existing uses surrounding it.

Mr. Baird closed the public hearing.

COMMISSION ACTION:

Mr. Edwards motioned to **approve** Z-43-2015 and Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Edwards, Doennig, Edwards, Shuler and Rose. Nays: None. Abstain: None. Absent: White

Bob Hosmer, AICP
Principal Planner

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-43-2015

All of Lot 2, in the Amended Final Plat of Huntsman's Tract C, a Subdivision in Greene County, Missouri.

Development Review Staff Report

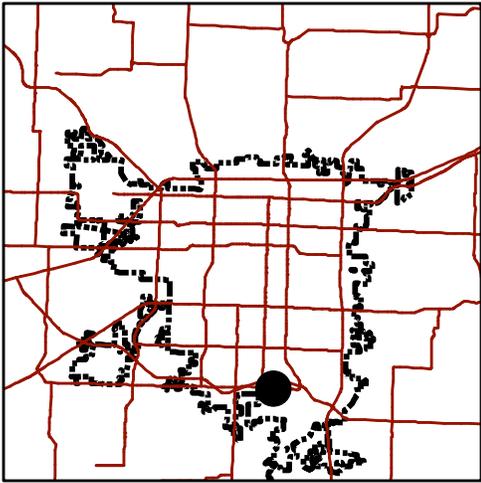
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Z-43-2015

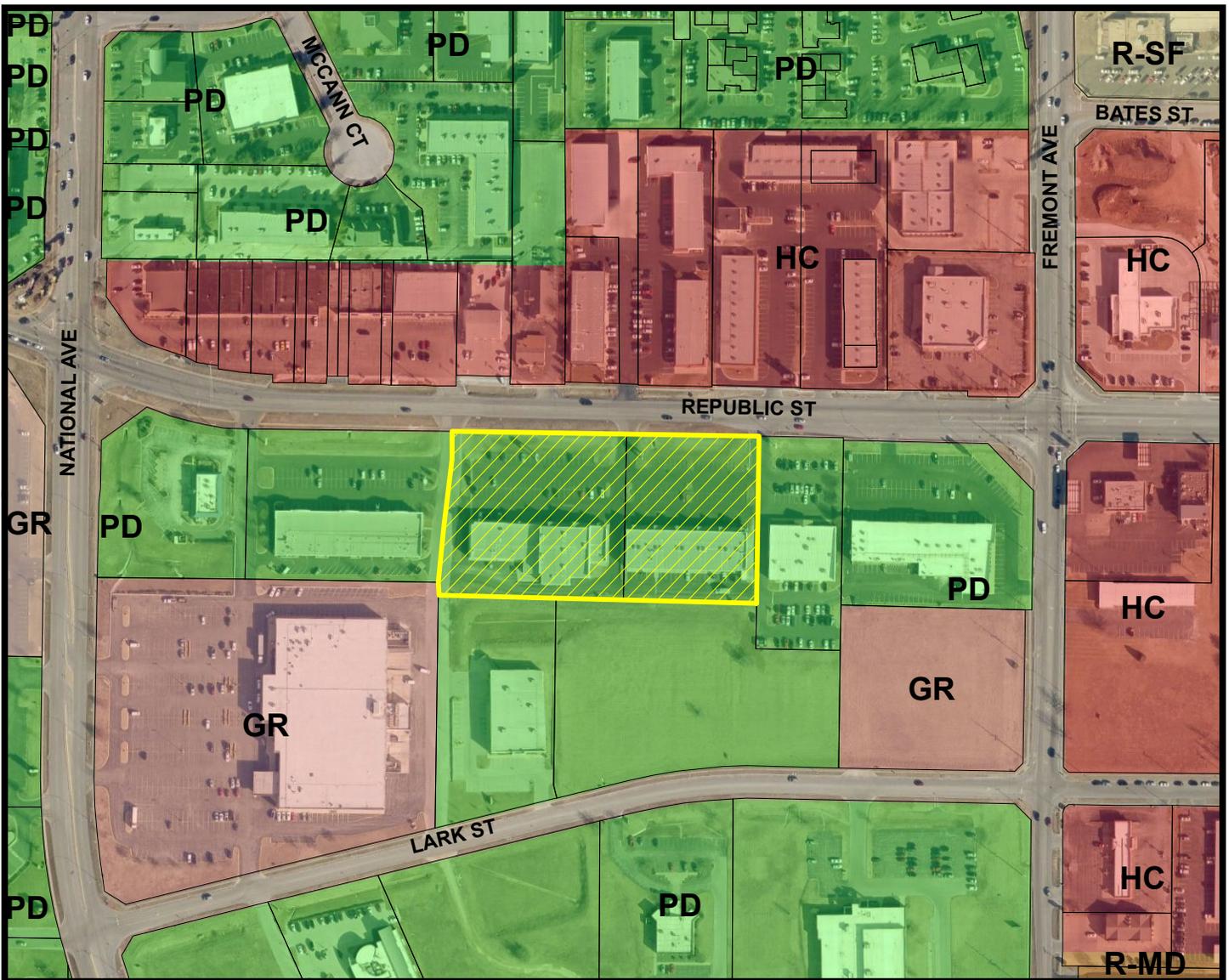
Location: 1300-1332 E. Republic St.

Current Zoning: Planned Development 84

Proposed Zoning: HC, Highway Commercial District



LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-43-2015

PURPOSE: To rezone approximately 4.05 acres of property generally located at 1300-1332 East Republic Street from a Planned Development No. 84 to an HC, Highway Commercial District.

REPORT DATE: November 17, 2015

LOCATION: 1300-1332 E. Republic St.

APPLICANTS: John R. Haik Trust & Rosa Lee Haik Trust

TRACT SIZE: Approximately 4.05 acres

EXISTING USE: Commercial uses permitted in PD 84

PROPOSED USE: Uses permitted in the HC, Highway Commercial District.

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this as an appropriate area for medium-intensity retail, office or housing. The requested HC, Highway Commercial zoning is consistent with the recommendation.
2. Approval of this application will facilitate redevelopment of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure. These properties are located near the James River Freeway and National Avenue area which is identified as a Community Activity Center. The *Plan* recommends these areas be developed with greater intensity.
3. Approval of this request will result in a similar type of development as what could be achieved under the existing zoning however, it will provide for a more streamlined process for development of the property.
4. Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use Major Goal 4: Develop the community in a sustainable manner. Objective 4a, Increase density in activity centers and transit corridor.

RECOMMENDATION:

Staff recommends **approval** of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	HC	Highway Commercial uses
East	PD 84	Real Estate Office uses
South	PD 84	Vacant building/undeveloped land
West	PD 84	General Retail uses

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium-Intensity Retail, Office or Housing. This mixed category indicates that a variety of office, commercial and/or mid-or high-density housing may be appropriate at major intersections or along certain roadway corridors.

These properties are located near the James River Freeway and National Avenue area which is identified as a Community Activity Center. This area recommends greater intensity of land development. The *Plan* further recommends commercial areas of different intensities throughout the community. Commercial areas should be sited in areas that are well served by transportation facilities and sited and designed to have a minimal effect on the adjacent lower-intensity development.

STAFF COMMENTS:

1. The applicant is proposing to rezone the subject properties from a Planned Development No. 84 to an HC, Highway Commercial District. The intent of this application is to allow for additional uses within the existing development. Staff supports this request because this property is located at a major intersection near an Activity Center where all HC uses are appropriate.
2. A traffic study was not warranted by Public Works Traffic Division since the rezoning from PD 84 to the HC District will not generate a significant amount of additional traffic between uses permitted in the PD to the uses permitted in the HC district. Republic Street is classified as a primary arterial roadway, which is a major traffic corridor through the City. There are existing cross access easements shown on the Amended Final Plat of Huntsman's Tract C between driveways and properties to the east and west.
3. The property is surrounded by Planned Development 84, with retail and office uses existing to the east and west and offices and vacant land to the south. The property to the north, which is across Republic St., is zoned HC and has a mixture of retail and office uses.

4. The existing Planned Development No. 84 permits a mix of office, retail and residential uses. The primary differences between the existing Planned Development and the proposed HC zoning district are the uses permitted, maximum gross floor area limitation and the requirements for Planning and Zoning Commission review of any new or revised final development plans. The existing zoning is very similar to the HC District with respect to the uses permitted and the requirements for development, however the Planned Development does not allow outdoor display, rental and sales of vehicles and major event entertainment uses such as amphitheaters, amusement parks, drive-in movie theaters, etc. The Planned Development also delineates a total amount of development permitted on each "Tract" of the Planned Development rather than simply per individual lot. The cumulative requirement for each "Tract" requires the tracking of information and can become cumbersome as more area within each Tract is developed. Approval of this request for HC zoning will result in generally the same type of development as could be achieved under the existing zoning, however development of the property will be more streamlined.
5. If redeveloped, the property will need to comply with all HC District requirements such as off-street parking, open space, landscaping, bufferyard and public access.
6. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting with property owners, residents and any registered neighborhood association within 500 feet of the subject properties on November 19, 2015. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant or their representative on November 30, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Fifteen (15) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

January 11, 2016

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-43-2015

BUILDING DEVELOPMENT SERVICES COMMENTS:

Building Development Services does not have any issues with rezoning to HC.

CITY UTILITIES:

City Utilities has no objection to the requested rezoning. All utilities are available and serving existing buildings.

CLEAN WATER SERVICES COMMENTS:

No objections to rezoning or proposed use.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

No issues with traffic. Cross access exists on the plat. A traffic study is not required.

STORMWATER COMMENTS:

No objection to rezoning. Site is developed and stormwater detention is existing.

ATTACHMENT 2: NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: PD # 84 to HC
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: November 19, 2015 - From 4:30 to 6:30 P.M.
3. Meeting Location: Holiday Inn Express - 310 E. Monastery St.; Spf. MO
4. Number of invitations that were sent: 60
5. How was the mailing list generated: By the City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 0
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

None received

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

None received

Neighborhood Meeting

Republic Road Rezoning

November 19, 2015

4:30 p.m. – 6:30 p.m.

Name	Address	Phone
Jared Rosmusen	550 St. Louis, SGF, MO 65806	417-890-8802



550 St. Louis Street
Springfield, MO 65806

TEL 417.890.8802
FAX 417.890.8805

www.olssonassociates.com

November 2, 2015

Dear Property Owner:

We have submitted a rezoning application to the City of Springfield for two properties located at 1300 & 1332 E. Republic Rd and totaling 4.05 acres. The owners of the properties to be rezoned – as illustrated in the enclosed map – are requesting to rezone from Planned Development # 84 to Highway Commercial (HC).

Representatives from Olsson Associates will be available to speak with neighbors and answer any questions you might have about the rezoning application on **Thursday, November 19, 2015 from 4:30 – 6:30 p.m. at the Holiday Inn Express. Located at 310 E. Monastery Street, Springfield, MO.** Maps indicating the affected property as well as the meeting location are attached to this letter.

This case is scheduled to be heard before the City of Springfield Planning and Zoning Commission on December 10, 2015 @ 6:30. Please plan to attend. If you should have any questions please feel free to contact our office at (417) 890-8802.

Sincerely,

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

Jared Rasmussen, PE
Olsson Associates

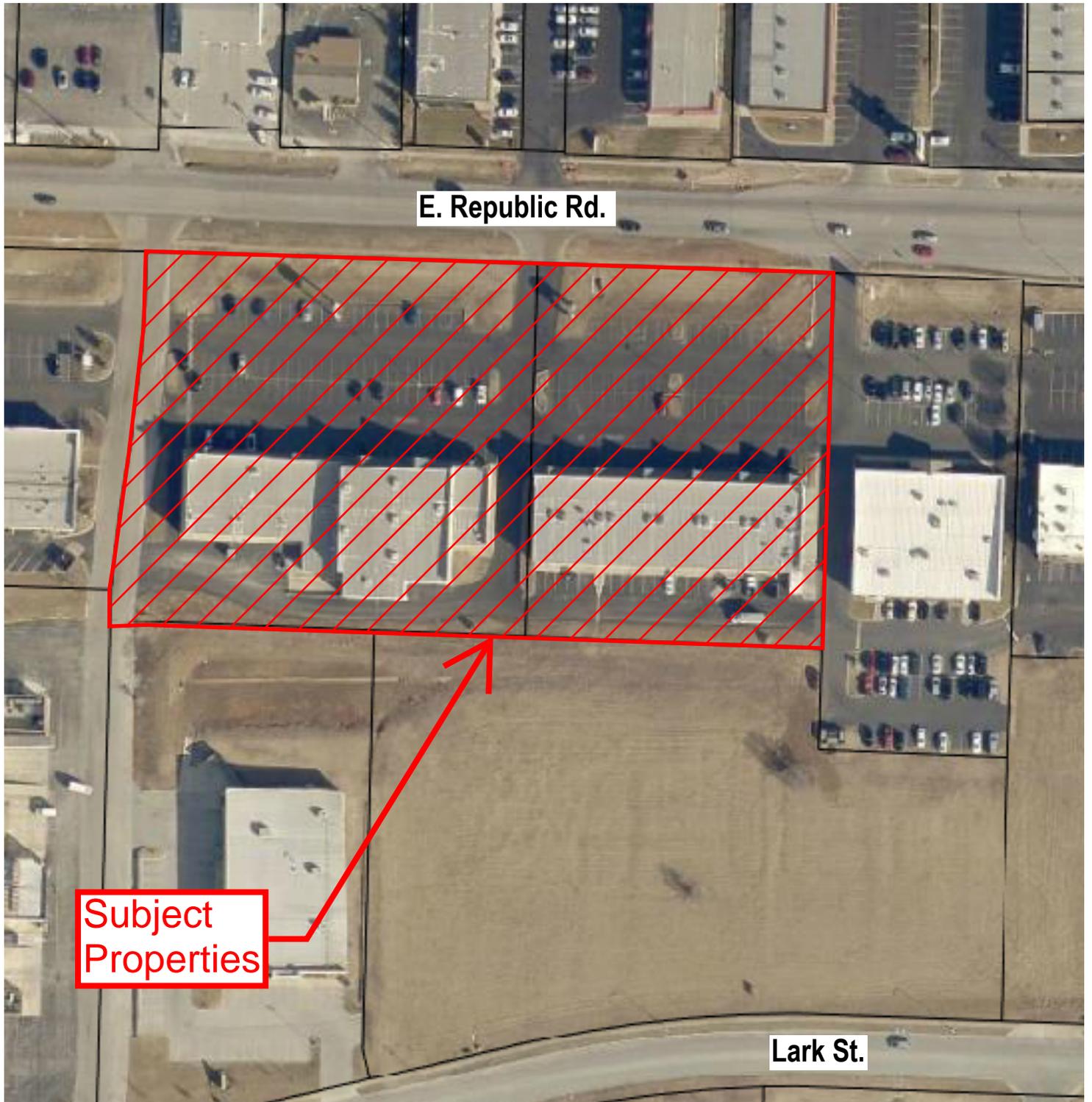
Attachments:

Meeting Location Map
Exhibit B - Rezoning Map
City of Springfield Notice



LEGEND

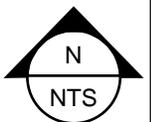
310 E. Monastery Street – Location of Meeting



E. Republic Rd.

Subject Properties

Lark St.



PROJECT NO:
DRAWN BY:
DATE:

1300 - 1332 E. Republic Rd.
SPRINGFIELD, MO 17 of 17



550 St. Louis Street
Springfield, MO 65806
TEL 417.890.8802
FAX 401.890.8805

EXHIBIT

B

One-rdg. _____
P. Hrngs. X
Pgs. 13
Filed: 01-05-16

Sponsored by: Fishel

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 005

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 3.28 acres of property, generally located at 1329
3 East Lark Street, from a Planned Development No. 84 to a GR, General
4 Retail District; and adopting an updated Official Zoning Map. (Staff and
5 Planning 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 B" of this Ordinance, generally located at 1329 East Lark Street,
10 from a Planned Development No. 84, to GR, General Retail 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 A"; 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 that 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 B" of this Ordinance be, and the
24 same hereby is, rezoned from a Planned Development No. 84, or such zoning district as
25 is designated on the Official Zoning Map adopted by the City Council, GR, General
26 Retail District; and the Springfield Land Development Code, Section 36-306 thereof,
27 Zoning Maps, is hereby amended, 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. Wiedner, Assistant City Attorney

Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 005

FILED: 01-05-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 3.28 acres of property generally located at 1329 East Lark Street from a Planned Development No. 84 to a GR, General Retail District.

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-44-2015

The applicant is proposing to rezone the subject property from a Planned Development No. 84 to a GR, General Retail District. The intent of this application is to match the existing zoning with a similar standard zoning district in order to allow for a more streamlined process for development of the property.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Medium-Intensity Retail, Office or Housing. The requested GR, General Retail zoning is consistent with the recommendation.

REMARKS: The Planning and Zoning Commission held a public hearing on December 10, 2015, and recommended approval, by a vote of 8 to 0, of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings, "Exhibit A").

The Planning and Development staff recommends the application be approved (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 identifies this as an appropriate area for medium-intensity retail, office or housing. The requested GR, General Retail zoning is consistent with the recommendation. Approval of this request will result in a similar type of development as what could be achieved under the existing zoning however, it will provide for a more streamlined process for development of the property.
2. Approval of this application will facilitate development of this property and promote infill development where investments have already been made in public services and infrastructure.
3. Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use Major Goal 4: Develop the community in a sustainable manner. Objective 4a, Increase density in activity centers and transit corridors.

Submitted by:

Michael Sparlin, Senior Planner

Recommended by:

Approved by:



Mary Lilly Smith, Director



Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission December 10, 2015

Z-44-2015

1329 East Lark Street

Applicant: St. John's Regional Health Center

Mr. Hosmer stated that this is to rezone approximately 3.28 acres of property generally located at 1329 East Lark Street from a Planned Development No. 84 to a GR, General Retail District. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this as an appropriate area for medium-intensity retail, office or housing. The requested GR, General Retail zoning is consistent with the recommendation. Approval of this request will result in a similar type of development as what could be achieved under the existing zoning, however, it will provide for a more streamlined process for development of the property. Approval of this application will facilitate development of this property and promote infill development where investments have already been made in public services and infrastructure.

Mr. Baird opened the public hearing.

Mr. James McDonald, 1730 E. Republic Road representing Wilhoit Properties. This property is under contract and the intention is to build a new office for relocation.

Mr. Baird closed the public hearing.

COMMISSION ACTION:

Mr. Doenning motioned to **approve** Z-44-2015 and Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Edwards, Doennig, Edwards, Shuler and Rose. Nays: None. Abstain: None. Absent: White

Bob Hosmer, AICP
Principal Planner

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-44-2015

ALL OF LOT 2 OF ST. JOHN'S LARK SUBDIVISION, EXCEPT FOR THE FOLLOWING DESCRIBED AREA:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 28 NORTH, RANGE 21 WEST; THENCE, S01°36'29"W, 316.02 FEET; THENCE, S88°23'31"E, 50.00 FEET TO AN EXISTING MONUMENT ON THE EAST RIGHT-OF-WAY LINE OF NATIONAL AVENUE; THENCE, S88°23'31"E, 630.00 FEET; THENCE, S01°36'29"W, 20.57 FEET TO THE NORTHWEST CORNER OF ST. JOHN'S LARK SUBDIVISION; THENCE, S87°51'01"E, 745.67 FEET TO THE NORTHEAST CORNER OF SAID LOT 2 OF ST. JOHN'S LARK SUBDIVISION, AND THE POINT OF BEGINNING; THENCE, S01°36'29"W, 90.00 FEET; THENCE, N87°51'01"W, 159.39 FEET; THENCE, N02°08'59"E, 90.00 FEET; THENCE, S87°51'01"E, 158.54 FEET TO THE POINT OF BEGINNING.

Exhibit C

Development Review Staff Report

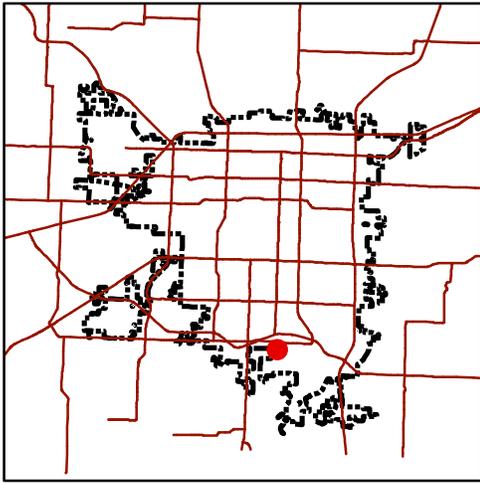
Department of Planning & Development - 417-864-1031
840 Boonville - Springfield, Missouri 65802

Z-44-2015

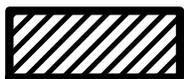
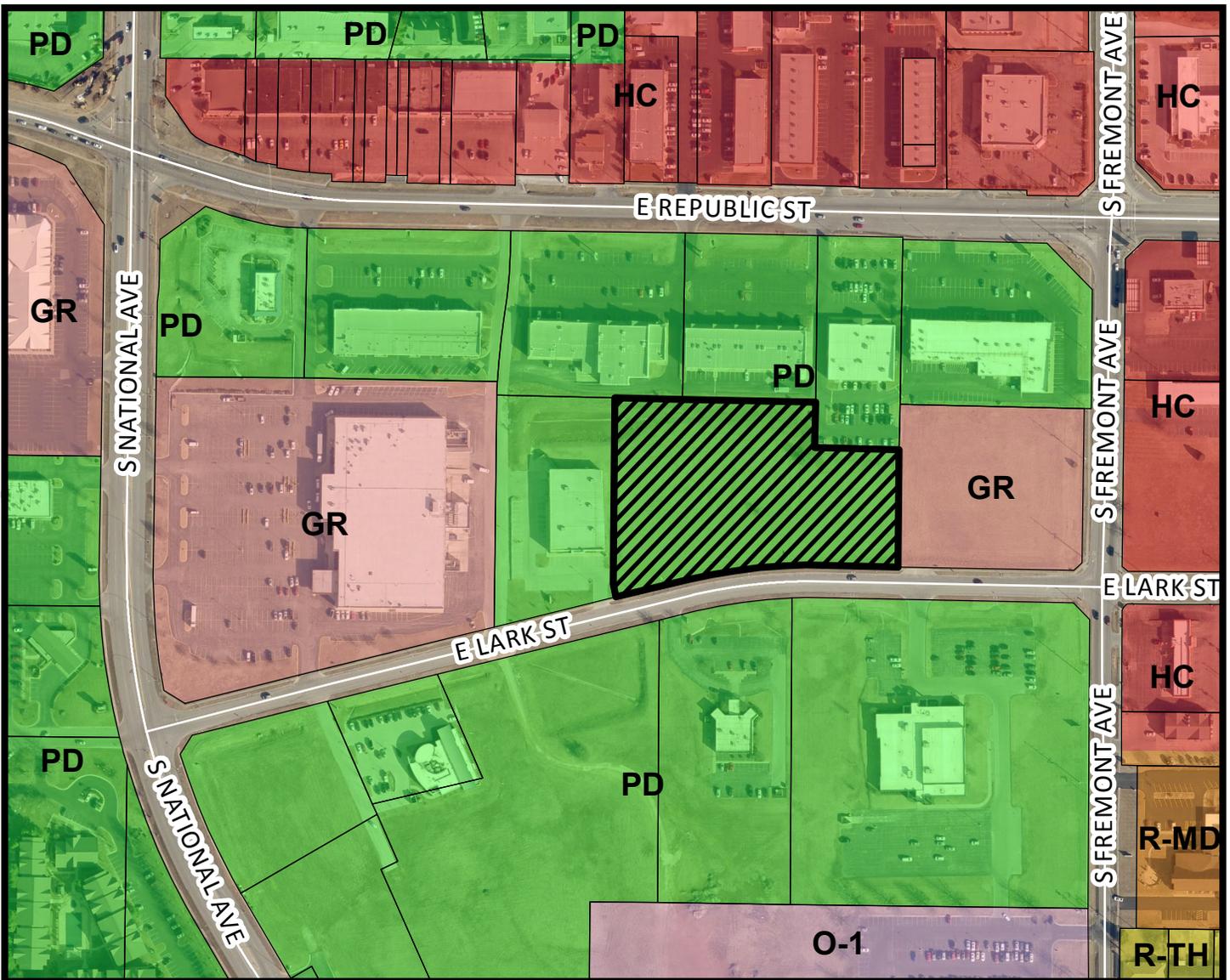
LOCATION: 1329 East Lark Street

CURRENT ZONING: Planned Development 84

PROPOSED ZONING: GR, General Retail



LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-44-2015

PURPOSE: To rezone approximately 3.28 acres of property generally located at 1329 East Lark Street from a Planned Development No. 84 to a GR, General Retail District.

REPORT DATE: November 17, 2015

LOCATION: 1329 E. Lark Street

APPLICANT: St. Johns Regional Health Center

TRACT SIZE: Approximately 3.28 acres

EXISTING USE: Undeveloped

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this as an appropriate area for medium-intensity retail, office or housing. The requested GR, General Retail zoning is consistent with the recommendation. Approval of this request will result in a similar type of development as what could be achieved under the existing zoning, however, it will provide for a more streamlined process for development of the property.
2. Approval of this application will facilitate development of this property and promote infill development where investments have already been made in public services and infrastructure.
3. 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

RECOMMENDATION:

Staff recommends **approval** of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	PD 84	Retail Shopping Center
East	PD 84	Retail and Office uses
South	PD 84	Medical Clinics and Office uses
West	GR	Retail and Office uses

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium-Intensity Retail, Office or Housing. This mixed category indicates that a variety of office, commercial and/or mid-or high-density housing may be appropriate at major intersections or along certain roadway corridors.

The property is located near the James River Freeway and National Avenue area which is identified as a Community Activity Center. This area recommends greater intensity of land development. The *Plan* further recommends commercial areas of different intensities throughout the community. Commercial areas should be sited in areas that are well served by transportation facilities and sited and designed to have a minimal effect on the adjacent lower-intensity development.

STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from a Planned Development No. 84 to a GR, General Retail District. The intent of this application is to match the existing zoning with a similar standard zoning district in order to allow for a more streamlined process for development of the property.
2. The existing Planned Development permits a mix of office, retail and residential uses. The existing zoning is very similar to the GR, General Retail District with respect to the uses permitted. However, the existing Planned Development requires Planning and Zoning Commission review of any new or revised final development plans and has a limitation of maximum gross floor area within each "Tract" of the Planned Development. The Planned Development delineates a total amount of development permitted within each "Tract" of the Planned Development rather than simply per individual lot. The cumulative requirement for each "Tract" requires the tracking of gross floor area for each development and can become cumbersome as more area within each Tract is developed. Approval of this request for GR zoning will result in significantly the same type of development as could be achieved under the existing zoning, however development of the property will be more streamlined without having to track the

previous development within the "Tract" and go through the Final Development Plan process that is required as part of the existing Planned Development.

3. The requested GR zoning is appropriate on this tract. The property is surrounded by Planned Development 84, with retail uses to the north and office uses to the south, and west. The property to the east is zoned GR, General Retail.
4. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on November 18, 2015 regarding the request for GR, General Retail. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant or their representative on November 5, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Six (6) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

January 11, 2016

STAFF CONTACT PERSON:

Michael Sparlin
Senior Planner
864-1091

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-43-2015

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to the requested zoning to GR, General Retail

CITY UTILITIES:

No objection to rezoning. All utilities are available.

CLEAN WATER SERVICES COMMENTS:

No objections to rezoning. Tract is currently served by public sewer.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Traffic has no issues with this rezoning request.

STORMWATER COMMENTS:

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

1. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports.
2. Regional detention is provided on adjacent property to west. However, any land disturbance of 1 acre or more will require the development to meet current water quality requirements.
3. If a subdivision is required by this application, then public improvement plans will be required for any concentrated runoff crossing lot lines as well as for water quality features serving more than one lot. These improvements must be constructed, inspected, approved and operational, or, if approved, escrowed prior to issuance of a building permit or final plat.

NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: PD - Planned Development District to GR - General Retail District
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: November 18th, 2015
3. Meeting Location: Wilhoit Properties, Inc. 1730 E. Republic Rd. Suite F, Springfield, MO
4. Number of invitations that were sent: 47
5. How was the mailing list generated: City of Springfield Planning Department
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.)

Two neighboring property owners attended. Both just wanted further information on the proposed building. Neither one of the property owners had an issues with the proposed change/use.

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

No issues with the proposed use.

One-rdg. _____
P. Hrngs. X
Pgs. 21
Filed: 01-05-16

Sponsored by: Fishel

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 006

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps,
2 by rezoning approximately 5.52 acres of property, generally located at
3 1209 East Holiday Street, from O-1, Office District to GR, General Retail
4 District; establishing Conditional Overlay District No. 104; and adopting
5 an updated Official Zoning Map. (Staff and Planning and Zoning
6 Commission recommend approval.)
7
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 described in "Exhibit B" of this Ordinance, generally located at 1209 East Holiday
11 Street, from O-1, Office District, to GR, General Retail District, and establishing
12 Conditional Overlay District No. 104; and
13

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

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

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

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

29 Section 1 – The property described in "Exhibit B" of this Ordinance be, and the
30 same hereby is, rezoned from O-1, Office District, or such zoning district as is
31 designated on the Official Zoning Map adopted by the City Council, to GR, General
32 Retail District, and establishing Conditional Overlay District No. 104; and the Springfield
33 Land Development Code, Section 36-306 thereof, Zoning Maps, is hereby amended,

34 changed and modified accordingly.

35

36 Section 2 – The property described by "Exhibit B" of this ordinance will be subject
37 to Conditional Overlay District No. 104, which is attached hereto as "Exhibit C" and
38 incorporated herein as if copied verbatim, and the requirements of GR, General Retail
39 District zoning will be modified by said Conditional Overlay District for development
40 within this property.

41

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

47

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

50

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

53

54 Passed at meeting: _____

55

56 _____
57 Mayor

58

59 Attest: _____, City Clerk

60

61 Filed as Ordinance: _____

62

63 Approved as to form: Achalee J. Wiedner, Assistant City Attorney

64

65 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 006

FILED: 01-05-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 5.52 acres of property generally located at 1209 East Holiday Street from a O-1 Office District to a GR, General Retail District with a Conditional Overlay District No. 104 (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-38-2015/CONDITIONAL OVERLAY DISTRICT NO. 104

The applicant is proposing to rezone the subject property from an O-1, Office District to a GR, General Retail District with a Conditional Overlay District No. 104, and to require a traffic study at the time of development.

The Growth Management and Land Use Plan Element of the Comprehensive Plan identifies the National Avenue and Holiday Street area as appropriate for Medium Intensity Retail, Office or Housing land uses.

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 Objective 4b Increase mixed-use development areas.

REMARKS: The Planning and Zoning Commission held a public hearing on December 10, 2015, and recommended approval, by a vote of 8 to 0, of the proposed zoning on the tract of land described on the attached sheet see "Exhibit A," Record of Proceedings.

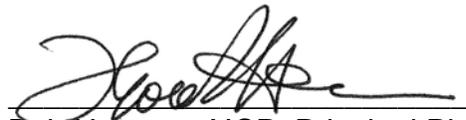
The Planning and Development staff recommends the application be approved see "Exhibit C" Development Review Staff Report.

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located at the corner of National Avenue and Holiday Street. National Avenue is classified as a primary arterial roadway and Holiday is classified as a collector, which are both appropriate locations for the types of uses permitted in the GR District. The proposed GR uses will provide goods and services to serve and complement the existing office uses as well as provide services for the residential development to the north and east.
2. Approval of this application will facilitate development of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure.

3. The standard development requirements in the GR, General Retail District along with those required as part of proposed Conditional Overlay District No. 104 are adequate for mitigating any potential impacts of development of this property on the adjacent residential properties.

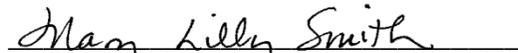
Submitted by:



Bob Hosmer, AICP, Principal Planner

Recommended by:

Approved by:


Mary Lilly Smith, Director
Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

Attachment 3: Conditional Overlay District No. 104 provision

EXHIBIT A
RECORD OF PROCEEDINGS
ZONING CASE Z-38-2015 & CONDITIONAL OVERLAY DISTRICT NO. 104

RECORD OF PROCEEDINGS
Planning and Zoning Commission December 10, 2015

Z-38-2015 COD #104
1209 East Holiday Street
Applicant: BBH South Development Holding, LLC

Mr. Hosmer stated that this is a request to rezone approximately 5.52 acres of property generally located at 1209 East Holiday Street from an O-1, Office District to a GR, General Retail District with Conditional Overlay District No. 104. The Growth Management and Land Use Plan Element of the Comprehensive Plan identifies the National Avenue and Holiday Street area as appropriate for Medium Intensity Retail, Office or Housing land uses. The property would be limited to a maximum 11,500 sq ft. for retail and restaurant uses and 69,000 sq ft. for office use. If the maximum intensities listed for retail and restaurants are exceeded, a traffic study shall be provided at the time of development which shall be based on the actual use of the property. Upon development of the property a buffer yard is required along the north property line adjacent to the Planned Development residential property. The normal buffer yard required between GR and Multi-family zoning would be a Buffer yard "Type C" of at least fifteen (15) feet wide. The minimum fifteen (15) foot wide buffer yard with plantings for each one-hundred (100) linear feet of buffer yard would be one (1) canopy tree, one (2) understory tree, two (3) evergreen trees and ten (10) shrubs.

Mr. Baird opened the public hearing.

Mr. Derek Lee, Lee Engineering, 1200 E. Woodhurst. The owner's intentions are to have a multi-story structure with retail and possibly restaurants on the bottom with office in the upper floors. The neighborhood meeting seemed to be generally supportive. Mr. Baird closed the public hearing.

COMMISSION ACTION:

Mr. Ray motioned to **approve** Z-38-2015 COD #104. Ms Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Edwards, Doennig, Edwards, Shuler and Rose. Nays: None. Abstain: None. Absent: White



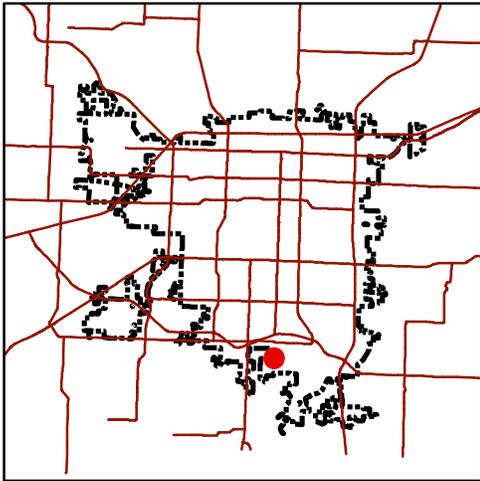
Bob Hosmer, AICP

Principal Planner)

EXHIBIT B
LEGAL DESCRIPTION
ZONING CASE Z-38-2015 & CONDITIONAL OVERLAY DISTRICT NO. 104

1209 E HOLIDAY

A 5.44 ACRE TRACT AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2879 PAGE 2329 AS THE WEST 7 ACRES OF THE SOUTH HALF (S1/2) OF THE SOUTH HALF (S1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-ONE (21) WEST, EXCEPT ANY PART TAKEN OR USED FOR ROADS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST FRACTIONAL QUARTER (NWFRL1/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-ONE (21) WEST; THENCE ALONG THE WEST LINE OF SECTION EIGHTEEN (18), NORTH 02°07'04" EAST, 659.61 FEET; THENCE SOUTH 87°52'40" EAST, 359.42 FEET, TO THE WEST RIGHT-OF-WAY OF NATIONAL AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY, SOUTH 02°07'53" WEST, 659.44 FEET, TO THE SOUTH LINE OF THE AFORESAID NORTHWEST QUARTER (NW1/4); THENCE ALONG SAID LINE, NORTH 87°54'21" WEST, 359.26 FEET, TO THE POINT OF BEGINNING; ALL LYING IN THE SOUTH HALF (S1/2) OF THE NORTHWEST FRACTIONAL QUARTER (NWFRL1/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-ONE (21) WEST, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.



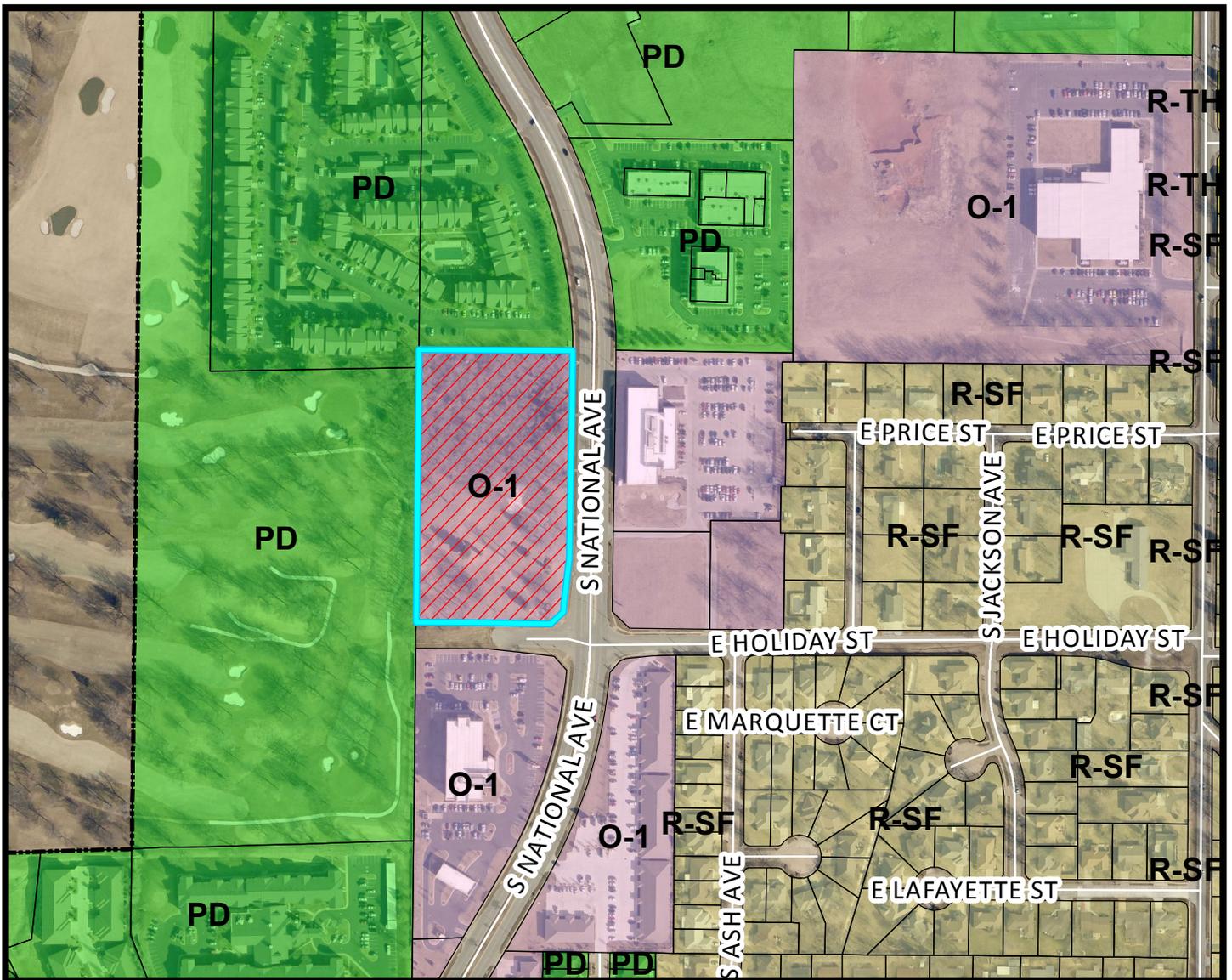
Development Review Staff Report

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

Z-38-2015 COD# 104

LOCATION: 1209 East Holiday Street
CURRENT ZONING: O-1, Office District
PROPOSED ZONING: GR, General Retail District
COD #104

LOCATION SKETCH



- Area of Proposal



1 inch = 375 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-38-2015 & CONDITIONAL OVERLAY DISTRICT NO. 104

PURPOSE: To rezone approximately 5.52 acres of property generally located at 1209 East Holiday Street from a O-1, Office District to a GR, General Retail District with Conditional Overlay District No. 104.

REPORT DATE: November 18, 2015

LOCATION: 1209 East Holiday Street

APPLICANT: BGH South Development Holding, LLC

TRACT SIZE: Approximately 5.52 acres

EXISTING USE: Vacant undeveloped land

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located at the corner of National Avenue, a primary arterial roadway and Holiday Street, a collector roadway, which is an appropriate location for the types of uses permitted in GR. The proposed GR zoning will provide goods and services to serve and complement the existing office uses as well as providing goods and services for the residential development to the north and east.
2. Approval of this application will facilitate development of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure.
3. The standard development requirements in the GR, General Retail District along with those required as part of proposed Conditional Overlay District No. 104 are adequate for mitigating any potential impacts of development of this property on the adjacent residential properties.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	PD 84	Multi-family homes
East	O-1	Office and undeveloped land
South	O-1	Bank
West	PD 307	Twin Oaks Country Club golf course

HISTORY:

The subject property was rezoned to an office district by Z-2-2005 on February 22, 2005.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies the National Avenue and Holiday Street area as appropriate for Medium Intensity Retail, Office or Housing land uses.

STAFF COMMENTS:

1. The applicant is requesting to rezone the subject property from an O-1, Office District to a GR, General Retail District with a Conditional Overlay District requiring a traffic study at the time of development.
2. The property will be limited to a maximum of 11,500 square feet gross floor area for retail uses and restaurant uses and 69,000 square feet gross floor area for office uses. If the maximum intensities listed above are exceeded, a traffic study shall be provided at the time of development which shall be based on the actual use of the property.
3. If the rezoning is approved, it would have to comply with *Section 36-421, General Retail District*, the Zoning Ordinance and any other applicable city codes.
4. Upon development of the property a bufferyard is required along the north property line adjacent to the Planned Development residential property. The normal bufferyard required between GR and Multi-family zoning would be a Bufferyard "Type C" of at least fifteen (15) feet wide. The minimum fifteen (15) foot wide bufferyard with plantings for each one-hundred (100) linear feet of bufferyard would be one (1) canopy tree, two (2) understory tree, two (2) evergreen trees and ten (10) shrubs.

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 October 27, 2015 regarding the rezoning request. A summary of the meeting is contained in Attachment 2.

PUBLIC COMMENTS:

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

CITY COUNCIL MEETING:

January 11, 2016

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Principal Planner
864-1834

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-38-2015 & CONDITIONAL OVERLAY DISTRICT NO. 104

BUILDING DEVELOPMENT SERVICES COMMENTS:

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

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. A traffic study is required to be submitted prior to the case being approved for the planning and zoning agenda based on the highest most intense use allowed in the GR district or a conditional overlay is required for a traffic study to be provided at the time of development based on the actual use.
2. Future driveway approaches on National must be located 200 feet apart.

STORMWATER COMMENTS:

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

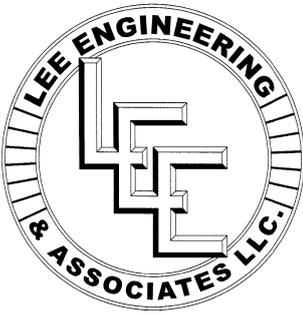
1. Any increase in impervious area will require the development to meet current detention and water quality requirements. Existing impervious surfaces currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are eligible for 50%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

CLEAN WATER SERVICES COMMENTS:

1. No objection to rezoning.

CITY UTILITIES:

1. City Utilities has no objection to the requested rezoning.



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

October 15, 2015

Re: Proposed Rezone
1209 E. Holiday Street
Springfield, Missouri

Dear Property Owner:

A neighborhood meeting will be held Tuesday, October 27, 2015 to discuss a proposed rezone on the property listed above. We would like to rezone this property from O-1 (Office-1) to GR (General Retail). The intent is to construct a retail strip center.

The neighborhood meeting will be held at Seminole Baptist Temple in Room 105 (Enter through office door located along National) at 4221 S. National, in Springfield, Mo., between 4:00 and 6:30pm. The owner's representatives will be present to answer any questions you may have concerning this proposed rezone. Please feel free to come and go between 4:00 and 6:30pm. If you have any questions prior to this meeting, please contact our office at 417-886-9100.

Sincerely,

A handwritten signature in black ink, reading 'Leslie K. Chrystal'.

Leslie K. Chrystal
Office Manager

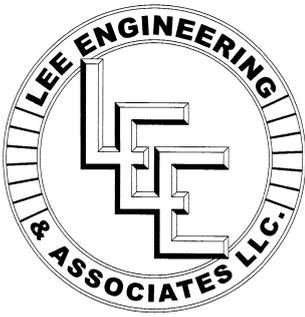
NEIGHBORHOOD MEETING SUMMARY

1. Request change to zoning from: O-1 to GR
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: October 27, 2015 4 to 6:30pm
3. Meeting Location: Seminole Baptist Temple , 4221 S. National
4. Number of invitations that were sent: 38 (With 6 being returned undeliverable)
5. How was the mailing list generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 7
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.)

N/A

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

See Attached Letter with Comment Sheets.



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

October 29, 2015

City of Springfield
Mr. Bob Hosmer
840 Boonville
Springfield, Mo. 65801

Re: PLN2015-00405

Dear Bob:

We held a neighborhood meeting for the project listed above. The neighborhood comments were as follows with our comments on how to address them in italics:

1. Preserve the trees.

We will try to save the trees on or close to the west property line. Most of the trees will have to be removed.

2. Increased traffic.

We will have a conditional overlay to limit the development based on a traffic study.

3. Increased flooding in the intersection.

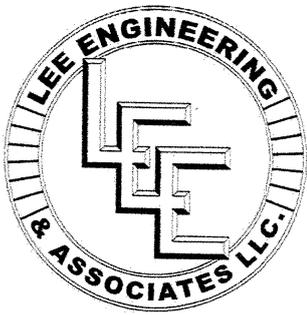
The site flows away from the intersection. Detention will be provided to mitigate increased flooding.

The 4 neighborhood comment sheets are attached, along with the sign in sheet. Derek Lee and Leslie Chrystal attended the meeting to represent the owner and to answer any questions. If you have any questions or concerns, please contact our office. Thank you.

Sincerely,

A handwritten signature in black ink that reads 'Leslie K. Chrystal'.

Leslie K. Chrystal
Office Manager



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, October 27, 2015

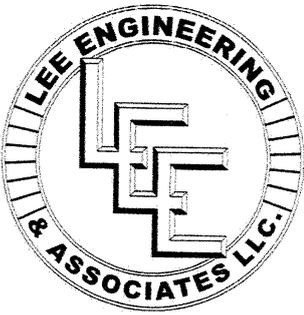
Re: Proposed Rezone
1209 E. Holiday Street
Springfield, Missouri

NAME	ADDRESS	PHONE
L. Garoutte	4535 J. McCullough	882-9364

COMMENTS:

Agree with zoning Proposal

A handwritten signature in cursive script that reads 'L. Garoutte'.



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, October 27, 2015

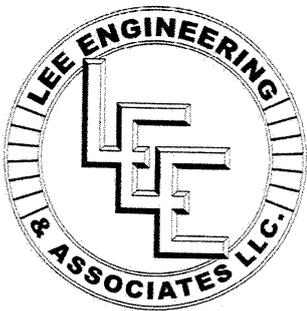
Re: Proposed Rezone
1209 E. Holiday Street
Springfield, Missouri

NAME	ADDRESS	PHONE
JMAXINS	1020 E. REPUBLIC RD	417 881-4744

COMMENTS:

I REPRESENT TWIN OAKS CC AND WE HAVE A STRONG INTEREST
IN PRESERVING ALL TREES ALONG THE WEST SIDE OF THIS
PROPOSED DEVELOPMENT.

Jim Adams



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

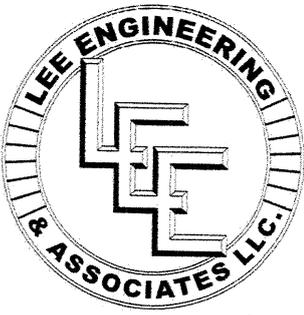
Tuesday, October 27, 2015

Re: Proposed Rezone
1209 E. Holiday Street
Springfield, Missouri

NAME	ADDRESS	PHONE
<i>Ken Schwab</i>	<i>4550 S National</i>	<i>890-3004</i>

COMMENTS:

*South National could use more
snows to compliment the office.*



LEE ENGINEERING AND ASSOCIATES, L.L.C.

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TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

COMMENT SHEET

Neighborhood Meeting

Tuesday, October 27, 2015

Re: Proposed Rezone
1209 E. Holiday Street
Springfield, Missouri

NAME	ADDRESS	PHONE
Jim Spencer	4607 S. Ash	417-887-4994

COMMENTS:

Traffic flow at that intersection will be increased, possibly requiring a stop light. And the intersection of Holiday + National floods easily during hard rains.

ATTACHMENT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-38-2015 & CONDITIONAL OVERLAY DISTRICT NO. 104

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

Use Limitations – The following maximum on intensity are necessary to accommodate the proposed development of this property:

Retail Uses: Maximum of 11,500 square feet of gross floor area
Restaurant Uses: Maximum of 11,500 square feet of gross floor area
Office Uses: Maximum of 69,000 square feet of gross floor area

If the maximum intensities listed above are exceeded, a traffic study shall be provided at the time of development which shall be based on the actual use of the property.

One-rdg. _____
P. Hrngs. X
Pgs. 39
Filed: 01-05-16

Sponsored by: Fishel

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 007

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 10.63 acres of property, generally located at 3410
3 South Campbell Avenue and 202 East Walnut Lawn Street, from a
4 Planned Development 261, 1st Amendment and Planned Development
5 30, 1st Amendment to HC, Highway Commercial District; establishing
6 Conditional Overlay District No. 102; and adopting an updated Official
7 Zoning Map. (Staff and Planning and Zoning Commission recommend
8 approval.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 described in "Exhibit B" of this Ordinance, generally located at 3410 South Campbell
13 Avenue and 202 East Walnut Lawn Street, from a Planned Development 261, 1st
14 Amendment and Planned Development 30, 1st Amendment, to Highway Commercial
15 District, and establishing Conditional Overlay District No. 102; and
16

17 WHEREAS, the owners of all the property to be rezoned have petitioned for the
18 creation of a Conditional Overlay District in accordance with the provisions of Section
19 36-407 the Land Development Code (Zoning Ordinance); and
20

21 WHEREAS, following proper notice, a public hearing was held before the
22 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
23 hearing being attached hereto as "Exhibit A"; and said Commission made its
24 recommendation; and
25

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

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

32 Section 1 – The property described in "Exhibit B" of this Ordinance be, and the
33 same hereby is, rezoned from a Planned Development 261, 1st Amendment and

34 Planned Development 30, 1st Amendment, or such zoning district as is designated on
35 the Official Zoning Map adopted by the City Council, to HC, Highway Commercial
36 District, and establishing Conditional Overlay District No. 102; and the Springfield Land
37 Development Code, Section 36-306 thereof, Zoning Maps, is hereby amended,
38 changed and modified accordingly.
39

40 Section 2 – The property described by "Exhibit B" of this ordinance will be subject
41 to Conditional Overlay District No. 102, which is attached hereto as "Exhibit C" and
42 incorporated herein as if copied verbatim, and the requirements of HC, Highway
43 Commercial District zoning will be modified by said Conditional Overlay District for
44 development within this property.
45

46 Section 3 – The City Council hereby directs the City Manager, or his designee, to
47 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
48 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
49 for in the Springfield Land Development Code, Section 36-306, Official Zoning Maps
50 and Rules of Interpretation.
51

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

55 Section 5 – This ordinance shall be in full force and effect from and after
56 passage.
57

58 Passed at meeting: _____
59

60 _____
61 Mayor
62

63 Attest: _____, Assistant City Clerk
64

65 Filed as Ordinance: _____
66

67 Approved as to form: Richard J. Weder, Assistant City Attorney
68

69 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2015- 007

FILED: 01-05-2016

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 10.63 acres of property generally located at 3410 South Campbell Avenue and 202 East Walnut Lawn Street from a Planned Development 261, 1st Amendment and Planned Development 30, 1st Amendment to an HC, Highway Commercial District with a Conditional Overlay District No. 102 (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-40-2015/CONDITIONAL OVERLAY DISTRICT NO. 102

The applicant is proposing to rezone the subject property from Planned Development 261, 1st Amendment and Planned Development 30, 1st Amendment to a HC, Highway Commercial District with a Conditional Overlay District No. 102.

The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies the Campbell and Walnut Lawn Street area as appropriate for Medium Intensity Retail, Office or Housing land uses.

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

Supports the following Field Guide 2030 goal(s): Chapter 6, Major Goal 4: Develop the community in a sustainable manner. Objectives 4a and 4b

REMARKS:

The Planning and Zoning Commission held a public hearing on December 10, 2015, and recommended approval, by a vote of 8 to 0, of the proposed zoning 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).

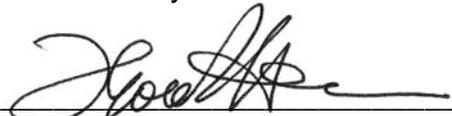
FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located at the corner of Campbell Avenue, a primary arterial roadway and Walnut Lawn Street, a collector roadway. These roadways are an appropriate location for the types of uses permitted in HC and will provide

goods and services to serve and complement the existing commercial and office uses as well as providing services for the adjacent residential development.

2. Approval of this application will facilitate development of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure.
3. The standard development requirements in the HC, Highway Commercial District along with those required as part of proposed Conditional Overlay District No. 102 are adequate for mitigating any potential impacts of development of this property on the adjacent residential properties.

Submitted by:



Bob Hosmer, AICP, Principal Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

Attachment 3: Conditional Overlay District No. 102 provisions

Attachment 4: Map showing Conditional Overlay District boundaries

EXHIBIT A

RECORD OF PROCEEDINGS Planning and Zoning Commission December 10, 2015

Z-40-2015 COD #102

202 East Walnut Lawn & 3410 South Campbell Avenue

Applicant: Westport Management, LLC and St. John's Regional Health Center

Mr. Hosmer stated that this is a request to rezone approximately 10.63 acres of property generally located at 3410 South Campbell Avenue and 202 East Walnut Lawn Street from Planned Development 261, 1st Amendment and Planned Development 30, 1st Amendment to a HC, Highway Commercial District with Conditional Overlay District No. 102. The Growth Management and Land Use Plan Element of the Comprehensive Plan identifies the Campbell and Walnut Lawn Street area as appropriate for Medium Intensity Retail, Office or Housing land uses.

The existing uses on this property are a Youngblood KIA car lot, which is on Campbell and Walnut Lawn corner; it is also vacant property that was the Mercy Recreational facility.

The property at Campbell is zoned PD216, which allows for a mixture of GR and HC uses and the property on Walnut Lawn is zoned a PD30 which allows only recreational facilities. The property is located at Campbell Avenue, which is a primary arterial; Walnut Lawn is a collector roadway. There are R-TH zoned properties on the east and RS-F properties on the north across Walnut Lawn. The church property to the east has a pending zoning case, Z-42-2015 presented tonight to go to an Office use. If approved, this request will prohibit a number of uses that would normally have been permitted in the HC district. However, these uses would only be limited to the eastern portion of the property located approximately 392 feet from the R-TH zoned property on the east. This line is similar to the GR, General Retail zoning district line to the north of the subject property. The property at 3410 South Campbell Avenue and approximately 160 feet of the property at 202 East Walnut Lawn Street would allow all the permitted uses in the HC district. The applicant is also proposing to limit the total square footage of retail sales space to 14,000 square feet of which 7,000 square feet can be utilized for eating and drinking establishments in the eastern portion of the subject property. They are a 25 feet Type E buffer yard with four (4) high earthen berm along the north property line adjacent to Walnut Lawn Street. Normally, there would not be a buffer yard or even a Type S1 buffer yard requirement for a parking lot adjacent to a street across from any residential zoned property since the Walnut Lawn Street is wider than 70 feet.

The owner will keep all existing driveway locations and no new driveway locations would be permitted. A Traffic study would be required for the property at 202 East Walnut, if it exceeds the fitness center uses.

No vehicular garage door openings on any building shall be located within 200 feet of any residential district and no motor vehicle repair or maintenance work shall take place outdoors within one-hundred fifty (150) feet of the boundary of any residential district.

The applicant had two neighborhood meetings, at the first meeting they talked about some issues and resolved those at the second meeting. Staff recommends approval with the COD district and the provisions.

Ms. Cox asked why Z-40-2015 w/COD 102 and Z-42-2015 are not combined and presented as one zoning case.

Mr. Hosmer replied that if there was a formal protest we would like for them to be separated and with an overlay district there has to be a separate ordinance.

Mr. Baird opened the public hearing.

Mr. Derek Lee, 1200 E. Woodhurst, representing Kia Youngblood, they currently service their vehicles on the west side of Campbell and they would like to service their vehicles on the dealership lot. They will need to expand their dealership. Mr. Youngblood plans on selling the remaining property. The HC zoning is the only zoning that allows a car dealership. At the 1st neighborhood meeting was well attended and a there were a lot of comments, there were two neighborhood meetings. At the 1st neighborhood meeting, they were primarily concerned, i.e., too much traffic and we looked at is fitness center it allows for a high traffic count use, another concern was a list of items the neighborhood did not want was eliminated. The service center has the door facing away from the neighborhood and has put restrictions with distances and also agreed to keep the 4' berm that is along the fitness center and the buffer yard is 25' wide.

Mr. Baird asked if the owner's intention is to sell the area/land to the east of this property.

Mr. Lee acknowledged that it is correct.

Mr. Baird's concerns are that HC zoning that will impact the neighborhood. Mr. Lee states that they have reduced the retail and restaurant portions down to the bottom floor of the existing building.

Mr. Lee states that the commercial real estate developer thinks that the highest and best use for this building is an office.

Mr. Baird requested to hear the neighborhood concerns.

Mr. Lee stated that another comment were the lights. Neighbors concerned with spotlights shining in their direction. I referred them to the existing light ordinances that requires the lights to shine down and not to have spill over. There were a number of people who were concerned about the fence, it had fallen into disrepair. The fence has

been fixed. The last concern was the location of the entrances. The owner will keep the existing entrance locations. No new entrances will be permitted.

Patricia Scott, 3252 S. Ridgewood Court. I own a property near this location and have two concerns. I have an issue of 10 acres of HC zoning when Mr. Youngblood only wants the west half of the property. She passed out photos and mentions that the back of Don Wessel is also HC zoning and one picture shows a drainage issue. She states that there is a huge drainage problem in the area or Mercy would have expanded their fitness center years ago. Walnut Lawn serves Kickapoo High School, Cox Hospital as well as a dozen streets. The traffic is horrendous, 25 to 30 cars are backed up going west. The City's plan going on Walnut Lawn, there will be a right turn added to take you north on Campbell and a right turn that will take you east on Walnut Lawn.

Mr. Baird closed the public hearing.

Mr. Hosmer wanted to clarify that the applicant is reducing or pulling out approximately 18 uses of the HC district.

Mr. Baird asked Ms. Scott to come back up to the podium.

Mr. Baird asked Ms. Scott as to what she is especially concerned with on the uses or are there other specific uses that Ms. Scott may have with this being rezoned or just the potential of what could develop with HC commercial.

Ms. Scott wanted to state that 10 acres are being rezoned HC and we don't know what may become of the other 8 acres. There are concerns with the drainage issue and would like these issues be addressed later on how they would use the property.

Mr. Carson addressed storm water / drainage issues. Any increase in impervious area will require the development to meet current detention and water quality requirements. Payment in lieu of construction of detention facilities is not an option for this site due to existing downstream flooding problems. If detention/water quality basin as previously constructed to serve the development, it must be shown that any new development proposed is in conformance with the original design of the basin. If runoff from the proposed development exceeds the original design criteria, additional detention and water quality must be provided based on current 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.

Mr. Doenning asked if the developer will have a 25' buffer yard across the north line of the entire of the property, i.e., all the way down Walnut Lawn?

Mr. Hosmer said that it would be from the driveway into Mercy fitness center and then continuing east to the property line. There will be landscaping and plantings in those areas to meet the requirements.

COMMISSION ACTION:

Mr. Ray thanked Mr. Lee and Mr. Youngblood with working with the neighborhood and motioned to **approve** Z-40-2015 COD #102. Ms Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Edwards, Doennig, Edwards, Shuler and Rose. Nays: None. Abstain: None. Absent: White

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

Bob Hosmer, AICP
Principal Planner

EXHIBIT B
LEGAL DESCRIPTION
ZONING CASE Z-40-2015 & CONDITIONAL OVERLAY DISTRICT NO. 102

MERCY HEALTH TRACT (202 East Walnut Lawn Street)

TRACT I:

BEGINNING AT AN IRON PIN SET 460 FEET EAST AND 10 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION TWELVE (12), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-TWO (22) WEST, IN GREENE COUNTY, MISSOURI, SAID PIN BEING ON THE NORTH EDGE OF A PUBLIC ROAD; THENCE NORTH 90°00' EAST, 456.25 FEET TO AN IRON PIN; THENCE SOUTH 02°34'35" WEST, 602.37 FEET TO AN IRON PIN; THENCE NORTH 89°47'00" WEST, 451.21 FEET TO AN EXISTING IRON PIN; THENCE NORTH 02°06'48" EAST, 599.50 FEET TO THE POINT OF BEGINNING, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT II:

ALL OF THE EAST 100 FEET OF THE FOLLOWING DESCRIBED PREMISES, TO-WIT:BEGINNING AT THE NORTHWEST CORNER OF THE STAHL TRACT CONVEYED BY DEED RECORDED IN BOOK 620, AT PAGE 218, GREENE COUNTY, MISSOURI; DEED RECORDS; THENCE EAST 1013 FEET ALONG THE NORTH SIDE LINE OF THE STAHL TRACT; THENCE NORTH 602 FEET; THENCE WEST 1013 FEET; THENCE SOUTH 602 FEET TO THE POINT OF BEGINNING IN GREENE COUNTY, MISSOURI, EXCEPT ANY PART USED FOR ROADS OR HIGHWAYS, AND EXCEPT THAT PART DEEDED IN BOOK 865, AT PAGE 454, GREENE COUNTY RECORDER'S OFFICE, GREENE COUNTY, MISSOURI. BEING INTENDED TO DESCRIBE ALL THAT PARCEL OF LAND DESCRIBED AS BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF WALNUT LAWN STREET AND THE EAST LINE OF LOT 1 OF YOUNGBLOOD PLAZA; THENCE SOUTH ALONG AND WITH THE EAST LINES OF YOUNGBLOOD PLAZA AND O'REILLY SUBDIVISION TO THE SOUTHEAST CORNER OF O'REILLY SUBDIVISION, SAID POINT LYING ON NORTH LINE OF A METES AND BOUNDS TRACT OWNED BY DON WESSEL OLDSMOBILE, INC; THENCE, EAST, ALONG AND WITH THE NORTH LINE OF SAID WESSEL TRACT TO THE SOUTHWEST CORNER OF LOT 3 OF ARROWHEAD ESTATES; THENCE, NORTH, ALONG AND WITH THE WEST LINE OF LOTS 3, 4, 5 AND 14 OF SAID ARROWHEAD ESTATES TO THE INTERSECTION OF SAID WEST LINE WITH THE SOUTH RIGHT-OF-WAY LINE OF WALNUT LAWN STREET; THENCE, WEST, ALONG AND WITH SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

YOUNGBLOOD KIA (3410 South Campbell Ave.)

TRACT I: ALL OF LOT 1 OF YOUNGBLOOD PLAZA, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AS SHOWN ON THE RECORDED PLAT THEREOF ALONG AND WITH

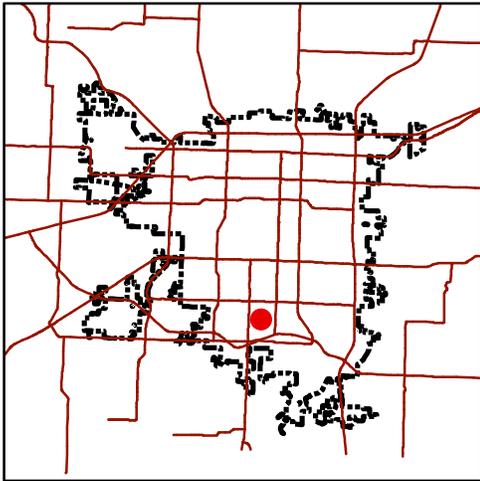
BEGINNING AT THE NORTHWEST CORNER OF A TRACT OF LAND HERETOFORE CONVEYED BY T. J. LARKINS AND MAGGIE LARKINS, HIS WIFE, TO CHAS. O. STAHL AND LELA R. STAHL IN BOOK 620 AT PAGE 218 IN THE RECORDER'S OFFICE, GREENE COUNTY, MISSOURI, SAID BEGINNING POINT BEING IN THE EAST RIGHT-OF-WAY LINE OF CAMPBELL STREET AS ESTABLISHED ON NOVEMBER 1, 1993; THENCE NORTH 283.8 FEET FOR ANEW BEGINNING POINT; THENCE NORTH 285 FEET ALONG THE EAST LINE OF CAMPBELL STREET ROAD TO THE SOUTH EDGE OF A PRIVATE ROAD; THENCE EAST ALONG THE SOUTH EDGE OF SAID ROAD, 180 FEET; THENCE SOUTH 288.1 FEET; THENCE WEST 180 FEET TO THE POINT OF BEGINNING EXCEPT THAT PART DEEDED TO STANDARD OIL COMPANY IN BOOK 1196 AT PAGE 392, IN THE RECORDER'S OFFICE; IN THE NORTHWEST QUARTER (NW¹/₄) SECTION TWELVE (12), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-TWO (22), IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEING INTENDED TO DESCRIBE ALL THAT PARCEL OF LAND BEING BOUNDED ON THE WEST BY CAMPBELL AVENUE, THE NORTH AND EAST BY LOT 1 OF YOUNGBLOOD PLAZA AND THE SOUTH BY O'REILLY SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

Development Review Staff Report

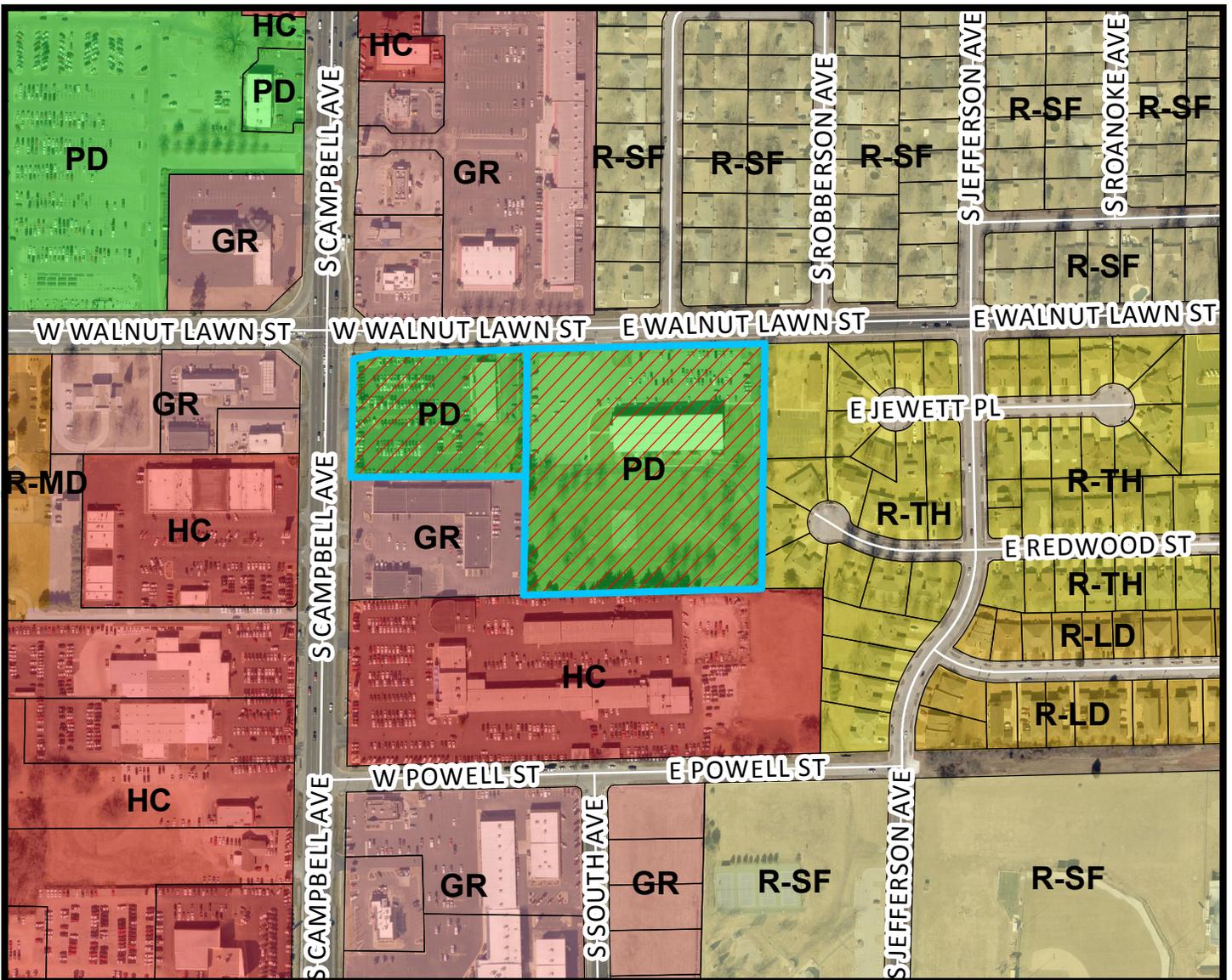
Department of Planning & Development - 417-864-1031
840 Boonville - Springfield, Missouri 65802

Z-40-2015 COD 102

LOCATION: 3410 S. Campbell Ave. and 202 E. Walnut Lawn St.
CURRENT ZONING: PD 216 1st Amd and PD 30 1st Amd
PROPOSED ZONING: HC, Highway Commercial
District with Conditional Overlay District No. 102



LOCATION SKETCH



- Area of Proposal



1 inch = 375 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-40-2015 & CONDITIONAL OVERLAY DISTRICT NO. 102

PURPOSE: To rezone approximately 10.63 acres of property generally located at 3410 South Campbell Avenue and 202 East Walnut Lawn Street from Planned Development 261, 1st Amendment and Planned Development 30, 1st Amendment to a HC, Highway Commercial District with Conditional Overlay District No. 102.

REPORT DATE: November 18, 2015

LOCATION: 3410 South Campbell Avenue and 202 East Walnut Lawn Street

APPLICANT: Westport Management, LLC and St Johns Regional Health Center

TRACT SIZE: Approximately 10.63 acres

EXISTING USE: Car lot and vacant recreational facility

PROPOSED USE: Uses permitted in the HC, Highway Commercial District except as excluded within Conditional Overlay District No. 102.

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is located at the corner of Campbell Avenue, a primary arterial roadway and Walnut Lawn Street, a collector roadway. These roadways are an appropriate location for the types of uses permitted in HC and will provide goods and services to serve and complement the existing commercial and office uses as well as providing services for the adjacent residential development.
2. Approval of this application will facilitate development of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure.
3. The standard development requirements in the HC, Highway Commercial District, along with those required as part of proposed Conditional Overlay District No. 102 are adequate for mitigating any potential impacts of development of this property on the nearby residential properties.

RECOMMENDATION:

Staff recommends approval of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	GR and R-SF	Office, commercial and single family homes
East	R-TH	Townhouse homes
South	HC and GR	Office and commercial uses
West	GR	Office and commercial uses

HISTORY:

The property located at 3410 South Campbell Avenue was zoned to Planned Development 216, 1st Amendment on June 21, 1999. The Planned Development allowed for a mixture of GR and HC uses. The property at 202 East Walnut Lawn Street was zoned Planned Development 30, 1st Amendment on January 10, 2000. The Planned Development allowed only for a participatory recreational facility and associated outdoor accessory uses such as tennis courts, swimming pools, golf courses and other similar uses.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* Element of the *Comprehensive Plan* identifies the Campbell Avenue and Walnut Lawn Street area as appropriate for Medium Intensity Retail, Office or Housing land uses.

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

STAFF COMMENTS:

1. The applicant is requesting to rezone the subject property from Planned Development 216, 1st Amendment and Planned Development 30, 1st Amendment to a HC, Highway Commercial District with Conditional Overlay District No. 102 to limit uses and intensity of development.
2. If approved, this request will prohibit a number of uses that would normally have been permitted in the HC district. However, these uses would only be limited to the eastern portion of the property located approximately 392 feet from the R-TH zoned property on the east (see Attachment 4). This line is similar to the GR, General Retail zoning district line to the north of the subject property. The property at 3410 South Campbell Avenue and approximately

160 feet of the property at 202 East Walnut Lawn Street would allow all the permitted uses in the HC district.

3. The applicant is proposing to restrict vehicle garage door openings within 200 of any residential district and the HC district restricts motor vehicle repair or maintenance work outdoors within 150 feet of any residential district.
4. The applicant is also proposing to limit the total square footage of retail sales space to 14,000 square feet of which 7,000 square feet can be utilized for eating and drinking establishments in the eastern portion of the subject property.
5. A traffic study will be required for the property at 202 East Walnut Lawn Street since the property was initially approved only for a fitness center. A traffic study will be completed at the time of development based on the actual use of the property. If the results of the traffic study determine that traffic generations exceed that of a fitness center use, then improvements must be constructed prior to building permits being issued for the property.
6. If the rezoning is approved, it would have to comply with *Section 36-421, HC, Highway Commercial General Retail District*, the Zoning Ordinance and any other applicable city codes.
7. The applicant is proposing a 25 feet Type E bufferyard with four (4) high earthen berm along the north property line adjacent to Walnut Lawn Street. Normally, there would not be a bufferyard or even a Type S1 bufferyard requirement for a parking lot adjacent to a street across from any residential zoned property since the Walnut Lawn Street is wider than 70 feet.
8. The normal "Type E" bufferyard will required between the HC and the R-TH zoning to the east. This bufferyard would be at least twenty (20) feet wide with a six foot solid wood fence, masonry/brick wall or evergreen hedge. The plantings required would be 3 canopy trees, 2 understory trees and 2 evergreen trees and 16 shrubs planted every 100 linear feet.
9. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on October 26, 2015 and a second neighborhood meeting was held on November 10, 2015 regarding the request for HC, Highway Commercial zoning with Conditional Overlay District No. 102. Summaries of the meetings and comment sheets are 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. Twenty-eight (28) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

CITY COUNCIL MEETING:

January 11, 2016

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Principal Planner
864-1834

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-40-2015 & CONDITIONAL OVERLAY DISTRICT NO. 102

BUILDING DEVELOPMENT SERVICES COMMENTS:

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

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. No objection to the rezoning of this property. A traffic study will be required for the property at 202 E Walnut Lawn at the time of development.

STORMWATER COMMENTS:

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

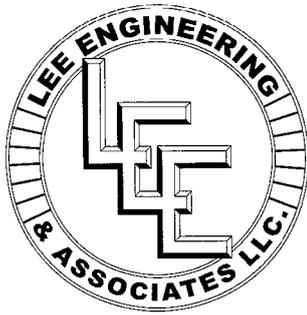
1. Any increase in impervious area will require the development to meet current detention and water quality requirements.
2. Payment in lieu of construction of detention facilities is not an option for this site due to existing downstream flooding problems. If detention/water quality basin was previously constructed to serve the development, it must be shown that any new development proposed is in conformance with the original design of the basin. If runoff from the proposed development exceeds the original design criteria, additional detention and water quality must be provided based on current requirements.
3. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.

CLEAN WATER SERVICES COMMENTS:

1. No objection to rezoning, public sewer is available

CITY UTILITIES:

1. City Utilities has no objection to the requested rezoning. There is no impact on City Utilities.



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

City of Springfield
Mr. Bob Hosmer
840 Boonville
Springfield, Mo. 65801

November 18, 2015

Re: PLN2015-00422: 3410 S. Campbell (Youngblood KIA)
PLN2015-00423: 202 E. Walnut Lawn (St. John's Fitness Center)

Dear Bob:

We are requesting Planning and Zoning to support a rezoning from PD 30 & PD 216 to HC with a conditional overlay district. In regards to PLN2015-00424, that project number will not have a conditional overlay.

PLN2015-00423: 202 E. Walnut Lawn (St. John's Fitness Center):

A traffic study is required at the time of development based on the actual use of the property with the guideline listed below:

The current zoning allows 121,000 SF of fitness center use on 202 West Walnut Lawn. Traffic studies or public improvements are not required by the developer if the traffic increase from the proposed development does not exceed the traffic which would be generated by 121,000 SF of fitness center use.

The following conditional overlay language applies to all HC zoning on PLN2015-00422 & PLN2015-00423:

- 1) No vehicular garage door openings on any building shall be located within 200 feet of any residential district.
- 2) No motor vehicle repair or maintenance work shall take place outdoors within one-hundred fifty (150) feet of the boundary of any residential district.

The following conditional overlay language applies to the HC zoning on PLN2015-00422 & PLN2015-00423 located East of the West line of Maryvale Estate as extended south across this property, also approximately 392 feet West of the Northwest corner of Lot 14, Arrowhead Estates:

- 1) Limit retail sales group to 14,000 SF of which 7,000 SF can be eating and drinking establishment use group. All office uses which are also found in retail sales group or eating and drinking establishment use group are permitted without restriction.
- 2) Remove the following permitted uses:
 - A. Ambulance Services

NEIGHBORHOOD MEETING SUMMARY

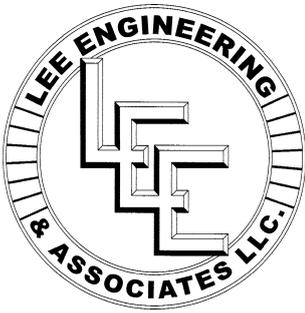
1st Meeting

1. Request change to zoning from: PD 30 & PD 216 and R-TH to HC and O-1
(existing zoning) *(proposed zoning)*
2. Meeting Date & Time: October 26, 2015 4 to 6:30pm
3. Meeting Location: 216 E. Walnut Lawn (Former Church of Christ Walnut Lawn)
4. Number of invitations that were sent: 117 (With 7 being returned undeliverable)
5. How was the mailing list generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 11 (2 neighbors did not sign in)
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 letter

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

See Attached Letter with Comment Sheets attached.



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

Re: Proposed Rezone
202 & 216 East Walnut Lawn and 3410 S. Campbell
Springfield, Missouri

October 28, 2015

A 2nd neighborhood meeting will be held Tuesday, November 10, 2015 from 4:00 to 5:30 at 216 E. Walnut Lawn (former Church of Christ Walnut Lawn). The purpose of the meeting is to provide changes to the proposed zoning. The changes are presented by the owner to specifically address the neighborhood's concerns. The following comments were provided by the neighborhood in the first meeting. Changes to the zoning request are provided below the comments in italics.

1. **The proposed zoning will generate too much traffic.**

Existing Intensity of Development allowed on all three properties:

- Church Property: R-TH – Allows 11 townhouse units per acre or 10 units
- Fitness Center Property: Allows 121,000 SF of fitness center and associated uses
- Kia Dealership Property: Allows the maximum floor area provisions of the GR District. GR District allows unlimited floor area. The intensity is limited by bulk planes and setbacks.

The proposed Intensity of Development is provided below for all three properties:

- *Church Property: O-1 – The intensity is limited by bulk planes and setbacks*
- *Fitness Center Property: Limits retail sales use group to 40,000 SF. Limits eating and drinking establishments use group to 7,000 SF.*
- *Kia Dealership Property: Allows the same restrictions as the existing zoning.*

The proposed zoning on the Fitness Center Property will limit the high volume traffic uses to the existing building. Therefore, the traffic will not increase over what is currently allowed.

2. **HC zoning allows uses which are not compatible with the neighborhood.**

The following use groups will be removed from the zoning request:

- A. *Ambulance Services*
- B. *Any residential dwellings existing at the time the district is mapped. As conforming uses, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within eighteen (18) months of being destroyed. (G.O. 5127, 10/29/01)*

- C. *Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.*
- D. *Awning and canvas sales and rental.*
- E. *Bed and Breakfast. (G.O. 5127, 10/29/01)*
- F. *Boarding, rooming and lodging houses.*
- G. *Bus Stations.*
- H. *Campgrounds and recreational vehicle parts.*
- I. *Cemeteries.*
- J. *Household resource recovery collection centers, screened from all residential districts and public right-of-way in conformance with Section 6-1000, Screening and Fencing.*
- K. *Manufactured housing (mobile home) and trailer sales, leasing and service with no storage.*
- L. *Other towers other than wireless facilities, less than one-hundred (100) feet in height, and related facilities. (G.O. 5094, 07/09/01)*
- M. *Public service and public utility uses, as follow: (G.O. 5094, 07/09/01)*
 - 1. *Tier I wireless facilities in accordance with Section 5-2600, Telecommunication Towers.*
 - 2. *Tier III wireless facilities in accordance with Section 5-2600, Telecommunication Towers, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.*
 - 3. *Tier IV wireless facilities in accordance with Section 5-2600, Telecommunications Towers, provided wireless towers are setback from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.*
 - 4. *Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.*
- N. *Taxi dispatch yards and offices.*
- O. *Temporary Lodging Use Group.*
- P. *Overnight shelters or transitional service shelters for fifty (50) or fewer residents, which are located at least five hundred (500) feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a two thousand (2000) foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with Subsection 3-3310.B.5. In no event shall a Certificate of Occupancy be issued for a transitional service shelter herein if it is less than one thousand (1,000) feet from an elementary or secondary school as measured from property lines. (G.O. 4763, 12/15/97) (G.O. 5343, 01/12/04) (G.O. 6058, 06/17/13)*

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

3. **The new service center will increase the noise at my house:**

The City of Springfield has existing noise ordinances which are enforced by the City of Springfield.

The owner will move the location of the proposed service center south. A new design drawing will be available to view at the meeting. The following language will be added to the conditional overlay zoning request.

- A. *No service door openings on any building shall be located within 200 feet of any residential district.*
- B. *No motor vehicle repair or maintenance work shall take place outdoors within one-hundred fifty (150) feet of the boundary of any residential district.*
- C. *Bufferyard E (Exhibit C) is required adjacent to the northern property line. The bufferyard shall be at least twenty five (25) feet deep and shall contain a four (4) foot high earthen berm between the driveway to Walnut Lawn Street and the eastern property line.*

4. **The new service center will shine bright lights at my house:**

The City of Springfield has existing light ordinances which limit the intensity and the direction of lights. The light ordinances are enforced by the City of Springfield.

Moving the service center and providing a wider buffer yard is intended to reduce the light issues indicated by the adjoining property owners.

5. **Fence Repair at 216 E. Walnut Lawn**

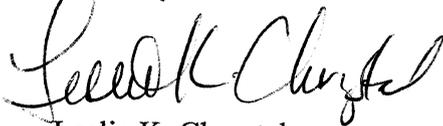
The fence will be repaired.

6. **New Entrance Locations**

The owner will keep the existing entrance locations. No new entrances will be permitted.

The owner's representatives will be present to answer any questions you may have concerning this proposed rezone. Please feel free to come and go between 4:00 and 5:30pm. If you have any questions prior to this meeting, please contact our office at 417-886-9100.

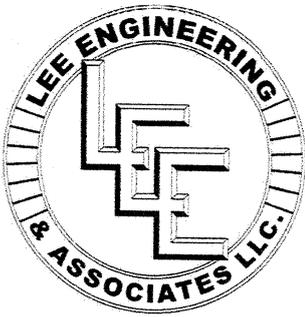
Sincerely,



Leslie K. Chrystal
Office Manager

LEE ENGINEERING AND ASSOCIATES, L.L.C.

1200 E. WOODHURST DR. • SUITE D200 • SPRINGFIELD, MO 65804
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1st Meeting

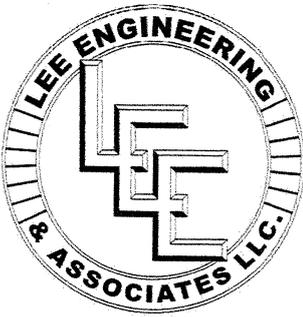
SIGN IN SHEET

Neighborhood Meeting

Monday, October 27, 2015

Re: Proposed Rezone
202 & 216 East Walnut Lawn
3410 S. Campbell
Springfield, Missouri

Table with 3 columns: NAME, ADDRESS, PHONE. Contains handwritten entries for Jewell Rand, Zach Westfall, KENTRITA ROETTO, Marye Turner, Eric Jackson, and Vicki Cobb.



LEE ENGINEERING AND ASSOCIATES, L.L.C.
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1st Meeting

COMMENT SHEET

Neighborhood Meeting

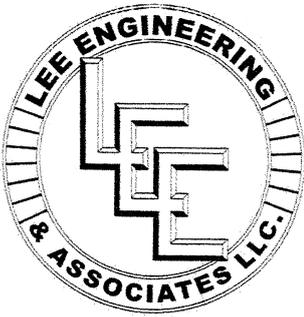
Monday, October 26, 2015

Re: Proposed Rezone
202 & 216 East Walnut Lawn
3410 S. Campbell
Springfield, Missouri

NAME	ADDRESS	PHONE
Vicki Cobb		

COMMENTS:

Parking Lot Lights — all night long
LED'S ~~are~~ not really looking forward to
- Chose neighborhood to live in because
it had the least # of lights on all night
in area I wanted to live.
Thanks for considering



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1st Meeting

COMMENT SHEET

Neighborhood Meeting

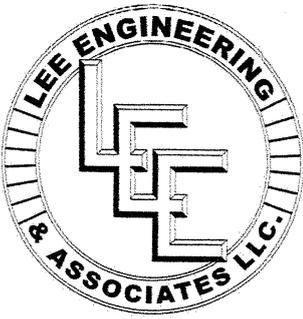
Monday, October 26, 2015

Re: Proposed Rezone
202 & 216 East Walnut Lawn
3410 S. Campbell
Springfield, Missouri

NAME	ADDRESS	PHONE
RAY & JUDY ZELNE	3364 S. ROYBERSON AVE	417 225-2621

COMMENTS:

We are opposed to these plans; We think it would devalue our homes in this ~~area~~ area. The cars & commercial traffic would be so much more than it already is. ~~A~~ Noise from service centers - I already can hear voices from Honda & other lots.



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1st Meeting

COMMENT SHEET

Neighborhood Meeting

Monday, October 26, 2015

Re: Proposed Rezone
202 & 216 East Walnut Lawn
3410 S. Campbell
Springfield, Missouri

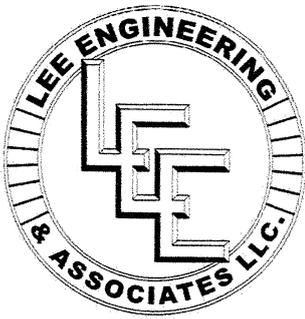
NAME	ADDRESS	PHONE
<i>Pat Holt</i>	<i>3252 S Ridgewood Ct Springfield 65804</i>	<i>417 849 6337</i>

COMMENTS:

I own property in the area and I am very much opposed to the commercial zoning of the former Mercy Hospital property on Walnut Lawn

My concern is how the south end of the proposed commercial business & former Health Center would be used.

I will lead & be part of any organized effort to prevent the rezoning



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1st Meeting

COMMENT SHEET

Neighborhood Meeting

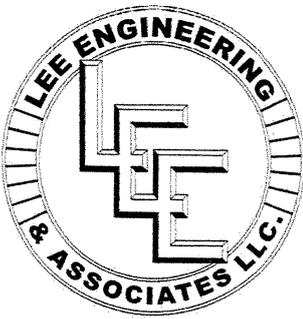
Monday, October 26, 2015

Re: Proposed Rezone
202 & 216 East Walnut Lawn
3410 S. Campbell
Springfield, Missouri

NAME	ADDRESS	PHONE
<i>Vicki Vissels</i>	<i>399 Jewell</i>	

COMMENTS:

would like to see the fence replaced.



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

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TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

1st Meeting

COMMENT SHEET

Neighborhood Meeting

Monday, October 26, 2015

Re: Proposed Rezone
202 & 216 East Walnut Lawn
3410 S. Campbell
Springfield, Missouri

NAME	ADDRESS	PHONE
Michael Crabbe	2850 S. Chantilly Sp'd 65804	417-839-4024

COMMENTS:

As an adjoining property owner to 216 E. Walnut Lawn, I am opposed to rezoning the property to office and rezoning of the former Mercy Fitness to Highway Commercial.

Michael Crabbe
10-26-2015

1st Meeting

Derek Lee

From: Derek Lee <dlee@leeengineering.biz>
Sent: Wednesday, October 28, 2015 1:10 PM
To: 'Ken Roetto'
Subject: RE: Youngblood Documents

<http://www.springfieldmo.gov/DocumentCenter/View/5145>

That came from the zoning ordinance which is linked above. HC zoning is found on page 253.

From: Ken Roetto [mailto:kroetto@swbell.net]
Sent: Wednesday, October 28, 2015 1:02 PM
To: Derek Lee
Subject: Re: Youngblood Documents

Thank you for the previous information. The other document I was requesting is the one you had only one of at the meeting. It showed what type of commercial business would be permitted at the fitness center should it be rezoned. It was a large list of with approximately 100 types of eligible businesses. i.e. (homeless shelter, soup kitchen, rehabilitation center etc.) I would like a copy of that document.

Thank You,

Kenneth D. Roetto

On Wednesday, October 28, 2015 12:46 PM, Derek Lee <dlee@leeengineering.biz> wrote:

Attached is the zoning for the fitness center. I assume this is what you mean by "commercial classifications".

Attached is the Walnut Lawn and South Campbell intersection drawing from the City. It is conceptual.

I don't know him or work for him. His name is Jim Hopkins. He works for St. Johns with their facilities. St. Johns owns the fitness center and the church property.

From: Ken Roetto [mailto:kroetto@swbell.net]
Sent: Wednesday, October 28, 2015 11:17 AM
To: dlee@leeengineering.biz
Subject: Youngblood Documents

Mr. Lee I have a request of you if I may ask? If you would send me a copy of the commercial classifications for the fitness center and any information you have in regard to the intersection at Walnut Lawn and South Campbell I would appreciate it. Also several of the neighbors were wondering who the other gentleman was at the meeting besides Mr. Youngblood. We are curious about his name and what role he is playing through this process. Seems none of us were ever introduced to him. I look forward to your response.

Sincerely,

Kenneth D. Roetto

- B. Any residential dwellings existing at the time the district is mapped. As conforming uses, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within eighteen (18) months of being destroyed.
- C. Automobile service garages.
- D. Automobile service stations.
- E. Automobile washing businesses, including automatic, coin-operated, and moving line facilities.
- F. Awning and canvas sales and rental.
- G. Bed and Breakfast.
- H. Boarding, rooming and lodging houses.
- I. Bus Stations.
- J. Campgrounds and recreational vehicle parts.
- K. Cemeteries.
- L. Household resource recovery collection centers, screened from all residential districts and public right-of-way in conformance with Section 6-1000, Screening and Fencing.
- M. Manufactured housing (mobile home) and trailer sales, leasing and service with no storage.
- N. Other towers other than wireless facilities, less than one-hundred (100) feet in height, and related facilities.
- O. Public service and public utility uses, as follow:
 - 1. Tier I wireless facilities in accordance with Section 5-2600, Telecommunication Towers.
 - 2. Tier III wireless facilities in accordance with Section 5-2600, Telecommunication Towers, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with Section 5-2600, Telecommunications Towers, provided wireless towers are setback from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- P. Taxi dispatch yards and offices.
- Q. Temporary Lodging Use Group.
- R. Overnight shelters or transitional service shelters for fifty (50) or fewer residents, which are located at least five hundred (500) feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a two thousand (2000) foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with Subsection 3-3310.B.5. In no event shall a Certificate of Occupancy be issued for a transitional service shelter herein if it is less than one thousand (1,000) feet from an elementary or secondary school as measured from property lines.

LEE ENGINEERING AND ASSOCIATES, L.L.C.

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

- 3) Bufferyard E is required adjacent to the northern property line. The bufferyard shall be at least twenty five (25) feet wide and a four (4) foot high earthen berm shall be provided between the eastern most driveway to Walnut Lawn Street and the eastern property line.
- 4) The owner will keep the existing driveway locations. No new driveway locations will be permitted.

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

Sincerely,



Leslie K. Chrystal
Office Manager

LEE ENGINEERING AND ASSOCIATES, L.L.C.

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NEIGHBORHOOD MEETING SUMMARY

2nd Meeting

1. Request change to zoning from: PD 30 & PD 216 and R-TH to HC and O-1
(existing zoning) (proposed zoning)

2. Meeting Date & Time: November 10, 2015 4 to 5:30pm (2nd Meeting)

3. Meeting Location: 216 E. Walnut Lawn (Former Church of Christ Walnut Lawn)

4. Number of invitations that were sent: 111 (with 4 being returned undeliverable)

5. How was the mailing list generated: City of Springfield

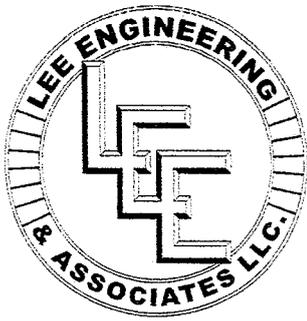
6. Number of neighbors in attendance (attach a sign-in sheet): 6

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.)

See attached letter

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

See attached letter along with comment sheets.



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

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2nd Meeting

COMMENT SHEET

2nd Neighborhood Meeting

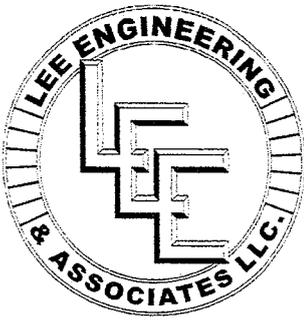
Tuesday, November 10, 2015

Re: Proposed Rezone
202 & 216 East Walnut Lawn
3410 S. Campbell
Springfield, Missouri

NAME	ADDRESS	PHONE

COMMENTS:

*Still disagree with ~~it~~ current
decision.*



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

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2nd Meeting

COMMENT SHEET

2nd Neighborhood Meeting

Tuesday, November 10, 2015

Re: Proposed Rezone
202 & 216 East Walnut Lawn
3410 S. Campbell
Springfield, Missouri

NAME	ADDRESS	PHONE
Pat Scott	3252 S Ridgeway Ct 3409 S Joplin	8496337

COMMENTS:

- only one driveway allowed off Walnut Lawn - as it is now
- the 4 ft berm must be maintained under new zoning a 4 ft Berm - if Walnut Lawn is widened.
- eliminate the following from commercial zoning
 - Truck stops
 - Lowes
 - Soup Kitchen
 - Go Carts

ATTACHMENT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-40-2015 & CONDITIONAL OVERLAY DISTRICT NO. 102

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

Use Limitations: The following use limitations apply to property at 3410 South Campbell Avenue (Youngblood Kia Tract) and property at 202 East Walnut Lawn Street (Mercy Health Tract):

1. No vehicular garage door openings on any building shall be located within 200 feet of any residential district.
2. No motor vehicle repair or maintenance work shall take place outdoors within one-hundred fifty (150) feet of the boundary of any residential district.

Traffic Study: The following modifications apply to property located at 202 East Walnut Lawn Street (Mercy Health Tract).

A traffic study is required at the time of development based on the actual use of the property with the guideline listed below;

The current zoning allows 121,000 square feet of fitness center use on 202 East Walnut Lawn Street. Traffic studies or public improvements are not required by the developer if the traffic increase from the proposed development does not exceed the traffic which would be generated by 121,000 square feet of fitness center use.

Permitted Uses:

The following uses are prohibited within property located east of the west line of Maryvale Estates as extended south across this property, also defined as approximately 392 feet west of the northwest corner of lot 14 of Arrowhead Estates:

- A. Ambulance Services
- B. Any residential dwellings existing at the time the district is mapped. As conforming uses, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within eighteen (18) months of being destroyed.
- C. Automobile service garages.
- D. Automobile service stations.
- E. Automobile washing businesses, including automatic, coin-operated, and moving line facilities.
- F. Awning and canvas sales and rental.
- G. Bed and Breakfast.
- H. Boarding, rooming and lodging houses.

- I. Bus Stations.
- J. Campgrounds and recreational vehicle parts.
- K. Cemeteries.
- L. Household resource recovery collection centers, screened from all residential districts and public right-of-way in conformance with section 36-480, Screening and Fencing.
- M. Manufactured housing (mobile home) and trailer sales, leasing and service with no storage.
- N. Other towers other than wireless facilities, less than one-hundred (100) feet in height, and related facilities.
- O. Public service and public utility uses, as follow:
 - 1. Tier 1 wireless facilities in accordance with Section 36-466, Telecommunication Towers.
 - 2. Tier III wireless facilities in accordance with Section 36-466, Telecommunication Towers, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with Section 36-466, Telecommunications Towers, provided wireless towers are setback from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- P. Taxi dispatch yards and offices.
- Q. Temporary Lodging Use Group.
- R. Overnight shelters or transitional service shelters for fifty (50) or fewer residents, which are located at least five hundred (500) feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a two thousand (2,000) foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with Section 36-363 (10). In no event shall a Certificate of Occupancy be issued for a transitional service shelter herein if it is less than one thousand (1,000) feet from an elementary or secondary school as measured from property lines.

Use Limitations: The following improvements/conditions are necessary to accommodate the proposed development of this property located east of the west line of Maryvale Estates as extended south across this property, also defined as approximately 392 feet west of the northwest corner of lot 14 of Arrowhead Estates:

- 1. The owner will keep all existing driveway locations. No new driveway locations will be permitted

Bulk and Intensity of Use Restrictions: Development located east of the west line of Maryvale Estates as extended south across this property, also defined as approximately 392 feet west of the northwest corner of lot 14 of Arrowhead Estates shall adhere to the following requirements:

1. Retail sales use group shall be limited to 14,000 square feet of which 7,000 square feet can be used for eating and drinking establishment use group. All office uses which are also found in the retail sales use group or eating and drinking establishment use group are permitted without these restrictions.

Bufferyards: The following additional bufferyards are required on property located east of the west line of Maryvale Estates as extended south across this property, also defined as approximately 392 feet west of the northwest corner of lot 14 of Arrowhead Estates:

A type "E" bufferyard is required adjacent to the northern property line. The bufferyard shall be at least twenty five (25) feet wide and a four (4) foot high earthen berm shall be provided between the eastern most driveway to Walnut Lawn Street and the eastern property line.



One-rdg. _____
P. Hrngs. X
Pgs. 14
Filed: 01-05-16

Sponsored by: Fishel

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 008

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by
2 rezoning approximately 0.88 acres of property, generally located at 216
3 East Walnut Lawn, from R-TH, Residential Townhouse District to O-1,
4 Office District; and adopting an updated Official Zoning Map. (Staff and
5 Planning 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 B" of this Ordinance, generally located at 216 East Walnut Lawn,
10 from R-TH, Residential Townhouse District, 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 A"; 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 that 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 B" of this Ordinance be, and the
24 same hereby is, rezoned from R-TH, Residential Townhouse District, or such zoning
25 district as is designated on the Official Zoning Map adopted by the City Council, to O-1,
26 Office District; and the Springfield Land Development Code, Section 36-306 thereof,
27 Zoning Maps, is hereby amended, 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 T. Wieder, Assistant City Attorney

Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 008

FILED: 01-05-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.88 acres of property generally located at 216 East Walnut Lawn from an R-TH, Residential Townhouse District to an O-1, Office District (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-42-2015

The applicant is requesting to rezone the subject property from a R-TH, Residential Townhouse District, to an O-1, Office District.

REMARKS: The Planning and Zoning Commission held a public hearing on December 10, 2015, and recommended approval, by a vote of 8 to 0, of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings, "Exhibit A").

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this as an appropriate area for low density housing uses. However, this property is surrounded by Medium or High Density Housing and Medium Intensity Retail, Office or Housing on the future land use map. This area is also adjacent to the James River Freeway and Campbell Activity Center as described in the plan. The requested office zoning can be used as a transition and buffer between higher intensity uses such as commercial and residential developments.
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 transis corridors; and Objective 4b Increase mixed-use development areas.

Submitted by:



Bob Hosmer, AICP Principal Planner

Recommended by:

Approved by:



Mary Lilly Smith, Director



Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Neighborhood Meeting Summary

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission December 10, 2015

Z-42-2015
216 East Walnut Lawn

Applicant: St. John's Regional Health Center

Mr. Hosmer stated that this is to rezone approximately 0.88 acres of property generally located at 216 East Walnut Lawn Street from R-TH, Residential Townhouse District to an O-1, Office District. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for low density housing uses. However, this property is surrounded by Medium or High Density Housing and Medium Intensity Retail, Office or Housing. This area is also adjacent to the James River Freeway and Campbell Activity Center as described in the plan. The requested office zoning can be used as a transition and buffer between higher intensity uses such as commercial and residential developments. The property is located on Walnut Lawn Street which is classified as a collector roadway. Direct driveway accesses are discouraged on collector roadways. Office uses are an appropriate use along collectors and create a buffer between R-TH uses and more intense non-residential uses. Staff recommends approval.

Mr. Baird opened the public hearing.

Neither the applicant or their representative were present. The Commission exercised its discretion and call for public comment. No one spoke in favor or against the change. The commission continued the matter for one meeting to allow the applicant an opportunity to comment.

During Z-43-2015, the next agenda item, the applicant's representative returned and moved the matter be removed from the table. The Commission removed the matter from the table and thereafter Mr. Derek Lee, 1200 E. Woodhurst spoke on behalf of the owner.

Mr. Ray asked a question regarding a fence that was brought up for Z-40-2015 with COD #105.

Mr. Lee stated that the fence was repaired.

COMMISSION ACTION:

Mr. Edwards motioned to **approve** Z-42-2015 Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Edwards, Doennig, Edwards, Shuler and Rose. Nays: None. Abstain: None. Absent: White



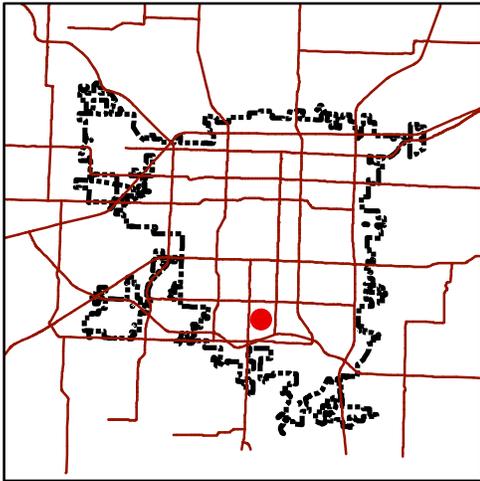
Bob Hosmer, AICP
Principal Planner

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-42-2015

MERCY CHURCH TRACT

ALL OF LOT FOURTEEN (14), ARROWHEAD ESTATES, FINAL PLAT, IN CITY OF SPRINGFIELD,
GREENE COUNTY, MISSOURI.



Development Review Staff Report

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

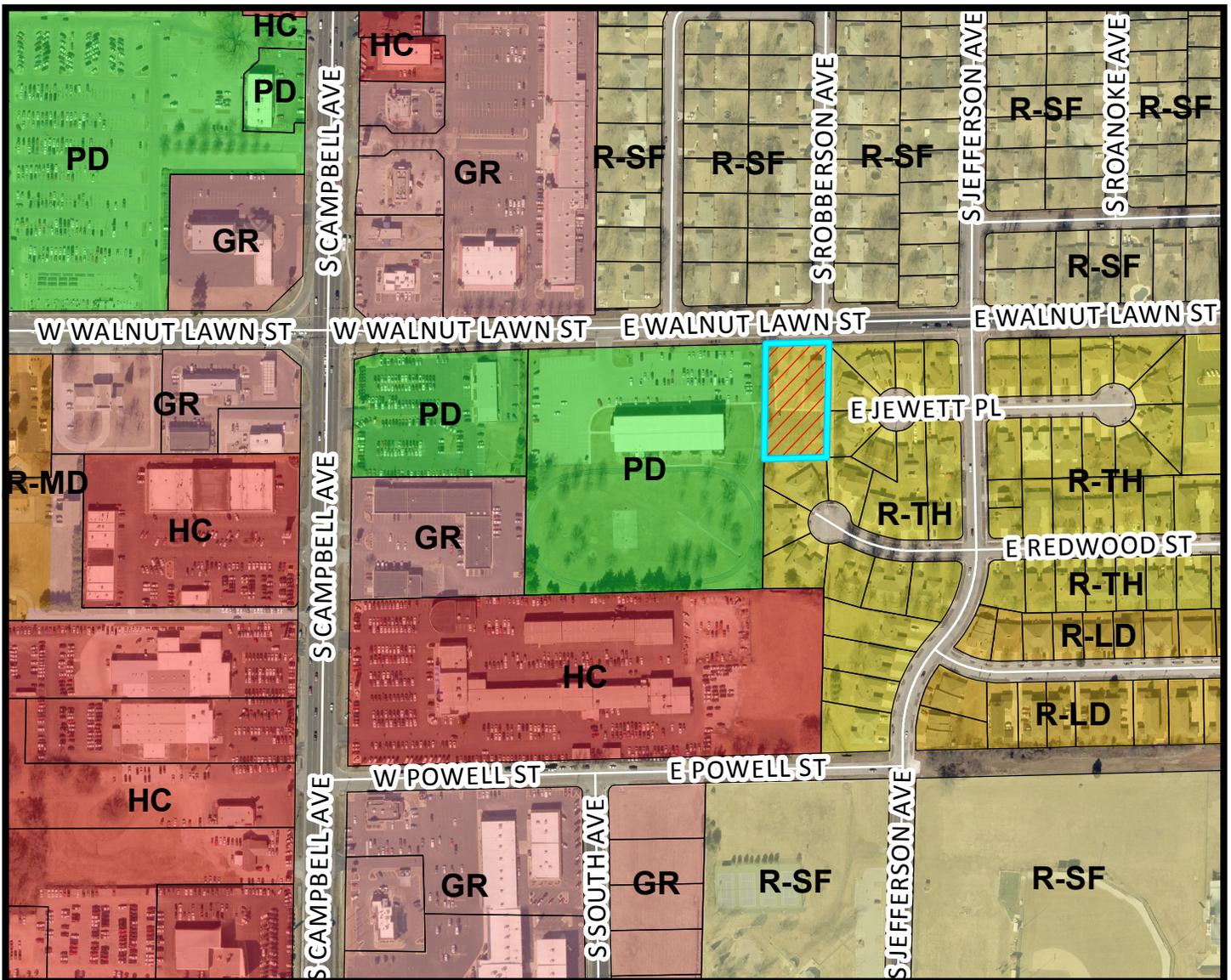
Z-42-2015

LOCATION: 216 E. Walnut Lawn

CURRENT ZONING: R-TH, Residential Townhouse District

PROPOSED ZONING: O-1, Office District

LOCATION SKETCH



- Area of Proposal



1 inch = 375 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-42-2015

PURPOSE: To rezone approximately 0.88 acres of property generally located at 216 East Walnut Lawn Street from R-TH, Residential Townhouse District to a O-1, Office District.

DATE: November 17, 2015

LOCATION: 216 East Walnut Lawn Street

APPLICANT: Mercy Health Springfield Communities

TRACT SIZE: Approximately 0.88 acres

EXISTING USE: Church

PROPOSED USE: Office uses

FINDINGS FOR STAFF RECOMMENDATION:

1. The requested O-1, Office District zoning is consistent with the recommendations of the comprehensive plan which recommends office uses as transitions between low density residential and commercial uses.

RECOMMENDATION:

Staff recommends **approval** of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-SF	Single-family residential housing
East	R-TH	Townhouses
South	R-TH	Townhouses
West	PD	Recreational uses

HISTORY:

City Council on March 7, 1995 approved the remapping and zoning of the subject property. The subject property has been used for a church which is allowed in the R-TH zoning district.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for low density housing uses. The plan states that the City should protect the best aspects of established areas from negative effects such as excessive auto traffic or incompatible, un-buffered land uses.

STAFF COMMENTS:

1. The applicant is requesting to rezone the subject property from a R-TH, Residential Townhouse District, to an O-1, Office District.
2. The property is located on Walnut Lawn Street which is classified as a collector roadway. Direct driveway accesses are discouraged on collector roadways. Office uses are an appropriate use along collectors and create a buffer between R-TH uses and more intense non-residential uses.
3. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for low density housing uses. However, this property is surrounded by Medium or High Density Housing and Medium Intensity Retail, Office or Housing. This area is also adjacent to the James River Freeway and Campbell Activity Center as described in the plan. The requested office zoning can be used as a transition and buffer between higher intensity uses such as commercial and residential developments.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on October 26, 2015 and a second neighborhood meeting was held on November 10, 2015. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENT:

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. Seventeen (17) 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: January 11, 2016

STAFF CONTACT PERSON:

Bob Hosmer, AICP Principal Planner
864-1834

ATTACHMENT 1

DEPARTMENT COMMENTS

ZONING CASE Z-42-2015

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with rezoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

No traffic issues with the proposed rezoning.

STORMWATER COMMENTS:

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

1. Any increase in impervious area will require the development to meet current detention and water quality requirements.
2. Payment in lieu of construction of detention facilities is not an option for this site due to existing downstream flooding problems. If detention/water quality basin was previously constructed to serve the development, it must be shown that any new development proposed is in conformance with the original design of the basin. If runoff from the proposed development exceeds the original design criteria, additional detention and water quality must be provided based on current requirements.
3. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.

CLEAN WATER SERVICES COMMENTS:

1. No objections to rezoning. Tract is currently served by public sewer.

CITY UTILITIES:

1. City Utilities does not have any objections to this proposed rezoning request.

NEIGHBORHOOD MEETING SUMMARY

2nd Meeting

1. Request change to zoning from: PD 30 & PD 216 and R-TH to HC and O-1
(existing zoning) (proposed zoning)

2. Meeting Date & Time: November 10, 2015 4 to 5:30pm (2nd Meeting)

3. Meeting Location: 216 E. Walnut Lawn (Former Church of Christ Walnut Lawn)

4. Number of invitations that were sent: 111 (with 4 being returned undeliverable)

5. How was the mailing list generated: City of Springfield

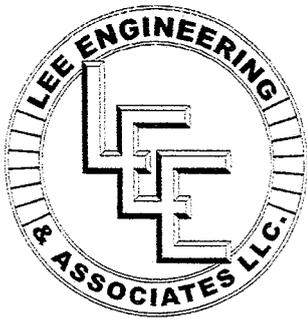
6. Number of neighbors in attendance (attach a sign-in sheet): 6

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.)

See attached letter

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

See attached letter along with comment sheets.



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CIVIL ENGINEERING & LAND SURVEYING

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2nd Meeting

COMMENT SHEET

2nd Neighborhood Meeting

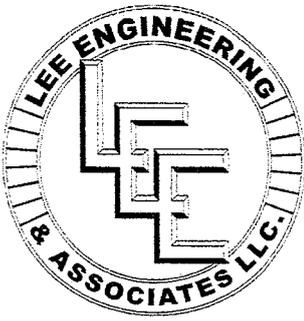
Tuesday, November 10, 2015

Re: Proposed Rezone
202 & 216 East Walnut Lawn
3410 S. Campbell
Springfield, Missouri

NAME	ADDRESS	PHONE

COMMENTS:

Still disagree with ~~statement~~ current decision.



LEE ENGINEERING AND ASSOCIATES, L.L.C.
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2nd Meeting

COMMENT SHEET

2nd Neighborhood Meeting

Tuesday, November 10, 2015

Re: Proposed Rezone
202 & 216 East Walnut Lawn
3410 S. Campbell
Springfield, Missouri

NAME	ADDRESS	PHONE
Pat Scott	3252 S Ridgeway Ct 3409 S Giffen	8496337

COMMENTS:

- only one driveway allowed off Walnut Lawn - as it is now
- the 4 ft berm must be maintained under new zoning a 4 ft Berm - if Walnut Lawn is widened.
- eliminate the following from commercial zoning
 - Truck stops
 - Lowes
 - Soup Kitchen
 - Go Carts

One-rdg. _____
P. Hrg. _____
Pgs. 9
Filed: 01-05-16

Sponsored by: Fulnecky

First Reading: _____

Second Reading _____

COUNCIL BILL NO. 2016- 009

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, known as the Land
2 Development Code, Article V, Building Code, Division 2 – Deletions,
3 Modifications, Amendments, and Additions to the Building Code, Section
4 36-602 by amending certain subsections and enacting new subsections
5 related to the same subject.
6
7

8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
9 MISSOURI, as follows, that:

10
11 Section 1 – Chapter 36 of the Springfield City Code, known as the Land
12 Development Code, Article V, Building Code, Division 2 – Deletions, Modifications,
13 Amendments, and Additions to the Building Code, Section 36-602 is hereby amended
14 as follows:

15
16 Note: Underlined language is to be added. ~~Stricken~~ language is to be removed.

17
18 Sec. 36-602. - Deletions, modifications, amendments, and additions to the building
19 code.

20
21 The 2012 International Building Code, as adopted, is hereby amended and
22 changed as follows:

23 *****

24
25
26 (d) Amend Section 312, Utility and miscellaneous group U, subsection 312.1,
27 General, to add the following note:

28
29 ~~(e)~~ Note: All fences, regardless of height, shall be constructed of new
30 materials which are not dissimilar in nature so as to lack design continuity, and
31 further provide that any paint applied thereon shall be uniform and consistent
32 with that of the primary structure on the premise.
33

34 (e) Amend Section 407, Group I-2, by adding a new subsection 407.2.5
35 Nursing home cooking facilities, as follows:

36
37 407.2.5 Nursing home cooking facilities. In Group 1-2 Condition 1, occupancies,
38 rooms or spaces that contain a cooking facility with domestic cooking appliances
39 shall be permitted to be open to the corridor where all of the following criteria are
40 met:

41 1. The number of care recipients housed in the smoke compartment is
42 not greater than 30.

43
44 2. The number of care recipients served by the cooking facility is not
45 greater than 30.

46
47 3. Only one cooking facility area is permitted in a smoke
48 compartment.

49
50 4. The types of domestic cooking appliances permitted are limited to
51 ovens, cooktops, ranges, warmers, and microwaves.

52
53 5. The corridor is a clearly identified space delineated by construction
54 or floor pattern, material or color.

55
56 6. The space containing the domestic cooking facility shall be
57 arranged so as not to obstruct access to the required exit.

58
59 7. A domestic cooking hood installed and constructed in accordance
60 with Section 505 of the *International Mechanical Code* is provided over the
61 cooktop or range.

62
63 8. The domestic cooking hood provided over the cooktop or range
64 shall be equipped with an automatic fire-extinguishing system of a type
65 recognized for protection of domestic cooking equipment. Pre-engineered
66 automatic extinguishing systems shall be tested in accordance with UL
67 300A and *listed* and *labeled* for the intended application. The system shall
68 be installed in accordance with this code, its listing and the manufacturer's
69 instructions.

70
71 9. A manual actuation device for the hood suppression system shall
72 be installed in accordance with Sections 904.12.1 and 904.12.2.

73
74 10. An interlock device shall be provided such that upon activation of
75 the hood suppression system, the power or fuel supply to the cooktop or
76 range will be turned off.

77
78 11. A shut-off for the fuel and electrical power supply to the cooking
79 equipment shall be provided in a location that is accessible only to staff.

80
81 12. A timer shall be provided that automatically deactivates the cooking
82 appliances within a period of not more than 120 minutes.

83
84 13. A portable fire extinguisher shall be installed in accordance with
85 Section 906 of the *International Fire Code*.

86
87 *****

88
89 (h) Amend Section 903, Automatic sprinkler systems, by adding new
90 subsection 903.6, as follows:

91
92 *903.6 Post Indicating Valves:* Post Indicating Valves may be omitted when a fire
93 service connection to the public water supply main is provided and controlled by
94 the utility purveyor.

95
96 (i) Amend Section 904, Alternative Automatic Fire-Extinguishing Systems, by
97 adding a new subsection 904.12 Domestic cooking systems in Group I-2
98 Condition 1, as follows:

99
100 904.12 Domestic cooking systems in Group I-2. In Group I-2 occupancies, in
101 which all persons receiving custodial care who, without any assistance, are
102 capable of responding to an emergency situation to complete building
103 evacuation, occupancies, rooms or spaces where cooking facilities are installed
104 in accordance with Section 407.2.5 of this code, the domestic cooking hood
105 provided over the cooktop or range shall be equipped with an automatic fire-
106 extinguishing system of a type recognized for protection of domestic cooking
107 equipment. Preengineered automatic extinguishing systems shall be tested in
108 accordance with ULK 300A and listed and labeled for the intended application.
109 The system shall be installed in accordance with this code, its listing and the
110 manufacturer's instructions.

111
112 904.12.1 Manual system operation and interconnection. Manual actuation and
113 system interconnection for the hood suppression system shall be installed in
114 accordance with Sections 904.11.1 and 904.11.2, respectively.

115 904.12.2 Portable fire extinguishers for domestic cooking equipment in Group I-2
116 Condition 1. A portable fire extinguisher complying with Section 906 shall be
117 installed within a 30-foot (9144 MM) distance of travel from domestic cooking
118 appliances.

119
120 (ij) Amend Section 912, Fire department connections, subsection 912.3.1,
121 Locking fire department connection caps, as follows:

122
123 *912.3.1 Locking fire department connection caps.* All fire department connections
124 shall be provided with KNOX FDC Caps.

125

126 (jk) Amend Section 1004, Occupant load, subsection 1004.3, Posting of
127 occupant load, as follows:

128
129 *1004.3 Posting of occupant load.* Every room or space that is an assembly
130 occupancy shall have the occupant load of the room or space posted in a
131 conspicuous place, near the main exit or exit access doorway from the room or
132 space. At the main entrance to the building, the occupant load for the entire
133 assembly use group shall be posted in a conspicuous place. Posted signs shall
134 be of an approved legible permanent design and shall be maintained by the
135 owner or authorized agent.

136
137 (kl) Amend Section 1008, Doors, gates and turnstiles, subsection
138 1008.1.9.2, Hardware height, as follows;

139
140 *1008.1.9.2 Hardware height.* Door handles, pulls, latches, locks and other
141 operating devices shall be installed 34 inches (864 mm) minimum and 48 inches
142 (1219 mm) maximum above the finished floor.

143
144 *Exception:* Access doors or gates in barrier walls and fences protecting pools,
145 spas and hot tubs shall be permitted to have operable parts of the release latch
146 on self-latching devices at 54 inches (1370 mm) maximum above the finished
147 floor or ground, provided the self-latching devices are not also self-locking
148 devices operated by means of a key, electronic opener or integral combination
149 lock.

150
151 (m) Amend Section 1016, Exit Access Travel Distance by, adding a new
152 subsection 1016.2.2 Group F-1 and S-1 increase, as follows:

153
154 1016.2.2 Group F-1 and S-1 increase. The maximum exit access travel distance
155 shall be 400 feet (122 m) in Group F-1 or S-1 occupancies where all of the
156 following conditions are met.

157
158 1. The portion of the building classified as Group F-1 of S-1 is limited to one
159 story in height.

160
161 2. The minimum height from the finished floor to the bottom of the ceiling or
162 roof slab or deck is 24 feet (7315 mm).

163
164 3. The building is equipped throughout with an automatic sprinkler system in
165 accordance with Section 903.3.1.1.

166
167 (ln) Amend Section 1301, General, subsection 1301.1.1, Criteria, as follows:

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169 *1301.1.1 Criteria.* Buildings shall be designed and constructed in accordance
170 with the International Energy Conservation Code, or accepted engineering
171 practices.

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(~~mq~~) Amend Section 1603, Construction documents, subsection 1603.1.5, Earthquake design data, item No. 8, as follows:

8. Design base shear(s) for new structures and structure additions. (Note: All other items listed shall remain as written.)

(~~rp~~) Amend Section 1608, snow loads, subsection 1608.1, General, as follows:

1608.1 General. Design snow loads shall be determined in accordance with Chapter 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607. The I_s , snow importance factor as shown in Table 1.5-2 of ASCE 7 shall not be less than a factor of one.

(~~rg~~) Repeal Section 1608 Snow loads, subsection 1608.2, ground snow loads, in its entirety, and provide a new subsection 1608.2, as follows:

1608.2 Ground Snow Load. The ground snow load for the City of Springfield shall be a minimum of 20 pounds per square foot.

(~~rl~~) Amend Section 1612, Flood loads, subsection 1612.1, General, by adding the following exception:

Exception: In the case of a conflict between Section 1612 and General Ordinance No. 5907, dated November 1, 2010, General Ordinance No. 5907 shall govern.

(~~rs~~) Amend Section 1809, Shallow foundations, subsection 1809.5, Frost protection, as follows:

1809.5 Frost Protection. Except where otherwise protected from frost, foundation walls, piers, and other permanent supports or buildings and structures shall be protected from frost by one of the following methods:

1. Extending below the frost line of the locality, which is established at 24 inches for the City of Springfield;
2. Constructing in accordance with ASCE-32; or
3. Erecting on solid rock.

Exceptions: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Classified in Occupancy Category I (see Table 1604.5);

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- 2. Area of 600 square feet (56 sq. meters) or less for light-frame construction or 400 square feet (37 sq meters) or less for other than light-frame construction; and
- 3. Eave height of 10 feet (3,048 mm) or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

(~~ft~~) Amend Section 3103, Temporary Structures, subsection 3103.1.1, Permit required, as follows:

3103.1.1 Permit required. Temporary structures that cover an area in excess of 100 square feet (9.3 square meters), including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of 10 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the fire official.

(~~su~~) Amend Section 3107, Signs, subsection 3107.1, General, as follows:

3107.1 General. Signs shall be designed, constructed and maintained in accordance with all applicable sections of this Article and the Land Development Code of the City of Springfield. In the event of a conflict, the more strict provision shall apply.

(~~tv~~) Amend the title of Section 3108, as follows:

Section 3108 Radio, Television and Communication Towers

(~~uw~~) Amend Section 3108, Radio, Television and Communication Towers, subsection 3108.2, Location and access, as follows:

3108.2 Location and access. Towers shall be located and equipped with step bolts and ladders so as to provide ready access for inspection purposes. All permanently attached devices used for the purpose of climbing the tower shall be located a minimum of 16 feet above finish grade as measured at the center of the tower footprint. Guy wires or other accessories shall not cross or encroach upon any street or other public space, or over above-ground electric utility lines, or encroach upon any privately owned property without written consent of the owner of the encroached-upon property, space or above-ground electric utility lines.

(~~vx~~) Amend Section 3108, Radio, Television and Communication Towers, by adding a new subsection 3108.3, as follows:

263 3108.3 *Fencing and Security*. A security fence shall be constructed around or
264 upon the parcels containing towers, antenna support structures or
265 communications facilities and shall be constructed in such a manner as to be
266 secure against trespass or unauthorized use of the property, tower, or
267 communications facility. The fence shall be designed to discourage access by
268 unauthorized personnel; said fence being a minimum height of six feet and
269 containing a minimum of three rows of barbed wire along the top of the fence.
270

271 (~~wy~~) Amend Section 3109, Swimming pool enclosures and safety devices,
272 subsection 3109.4.1.8, Dwelling wall as a barrier, as follows:
273

274 *3109.4.1.8 Building wall as a barrier*. Where a wall of a building serves as part of
275 the barrier, one of the following shall apply:
276

277 (Editor's Note: Enumerated items 1 thru 3 of Section 3109.4.1.8 shall remain
278 without modification.)
279

280 (~~xz~~) Amend Section 3201, General, 3201.1, Scope, as follows:
281

282 *3201.1 Scope*. The provisions of this chapter, and Chapter 98 and the Land
283 Development Code of the Springfield City Code and other provisions of this
284 Article shall govern the encroachment of structures into the public right-of-way. In
285 case of a conflict, the more strict provision shall apply.
286

287 (~~yaa~~) Amend Section 3412, Compliance alternatives, subsection 3412.2,
288 Applicability, by inserting the following date into the appropriate location:
289

290 "May 7, 1956"
291

292 (~~zbb~~) Amend all chapters to repeal and delete any and all references to the
293 International Zoning Code and refer all such references to the appropriate
294 section of Chapter 36, Article III of the Springfield City Code, known as the
295 Land Development Code, Zoning Ordinance.
296

297 (~~aacc~~) Amend all chapters to repeal and delete any and all references to the
298 International Property Maintenance Code.
299

300 The following referenced standard shall be considered a part of the Building
301 Code Referenced Standards:
302

303 NFPA 520 Standard on Subterranean Spaces, latest edition
304

305 Section 2 – Savings Clause. Nothing in this ordinance shall be construed to
306 affect any suit or proceeding now pending in any court or any rights acquired or liability
307 incurred nor any cause or causes of action accrued or existing, under any act or

308 ordinance repealed hereby, or shall any right or remedy of any character be lost,
309 impaired, or affected by this ordinance.

310
311 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
312 phrase of this ordinance is for any reason held to be invalid, such decision shall not
313 affect the validity of the remaining portions of this ordinance. The Council hereby
314 declares that it would have adopted the ordinance and each section, subsection,
315 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
316 sections, subsections, sentences, clauses, or phrases be declared invalid.

317
318 Section 4 – This ordinance shall be in full force and effect from and after
319 February 1, 2016.

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322 Passed at meeting: _____

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325 _____
326 Mayor

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328 Attest: _____, City Clerk

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330 Filed as Ordinance: _____

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

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336 Approved for Council Action: Greg Burns, City Manager

EXPLANATION TO COUNCIL BILL NO. 2016-009

FILED: 01-05-16

ORIGINATING DEPARTMENT: BUILDING DEVELOPMENT SERVICES

PURPOSE: To amend Chapter 36 of the Springfield City Code, known as the Land Development Code, Article V, Building Code, by amending certain sections and enacting new subsections related to the same subject.

BACKGROUND AND REMARKS: With the adoption of the 2012 International Building Code, staff and the development community determined that it would be in the best interest of the community to change from a 3 year cycle on new code adoption to a 6 year cycle. The international codes are revised and published every 3 years. It was also agreed that the "off year publication" (2015 edition) would be reviewed for possible amendments to the 2012 edition currently adopted by the City of Springfield. The proposed amendments are based on a review of the 2015 edition. The proposed amendments provide improved language and design provisions that will benefit citizens and the development community.

As a part of the code review Council Bill number 2014-223, resolution number 10172 dealing with window fall protection was reviewed in depth by staff and various parties from the community. It was recognized that the codes adopted since 2006 address this issue. It was determined that a better approach will be an education program supported by all parties having involvement with residential development.

The proposed amendments were placed on the City website for review by the members of the Home Builders Association, Springfield Contractors Association, Missouri Society of Professional Engineers, the local chapter of the American Institute of Architects, and the Development Issues Input Group. The City has received no objections to the proposed amendments.

Submitted by:



Building Development Services

Approved by:



City Manager

One-rdg. _____
P. Hrg. _____
Pgs. 8
Filed: 01-05-16

Sponsored by: Ferguson

First Reading: _____

Second Reading _____

COUNCIL BILL NO. 2016- 010

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, known as the Land
2 Development Code, Article XIV, Fuel Gas Code, Division 2 – Deletions,
3 Modifications, Amendments, and Additions to the Fuel Gas Code, Section
4 36-1402 by amending certain subsections and enacting new subsections
5 related to the same subject.
6
7

8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
9 MISSOURI, as follows, that:

10
11 Section 1 – Chapter 36 of the Springfield City Code, known as the Land
12 Development Code, Article XIV, Fuel Gas Code, Division 2 – Deletions, Modifications,
13 Amendments, and Additions to the Fuel Gas Code, Section 36-1402 is hereby amended
14 by repealing certain sections and enacting new provisions related to the same subject.
15

16 NOTE: Underlined language is to be added. ~~Stricken~~ language is to be removed.

17
18 Sec. 36-1402. - Deletions, modifications, amendments and additions.

19
20 The 2012 International Fuel Gas Code, as adopted, is hereby amended and
21 changed as follows:

22 *****

23
24
25 (e) Amend Section 301, General, subsection 301.11, Flood hazard, as
26 follows:

27
28 *301.11 Flood hazard.* For structures located in flood hazard areas, the appliance,
29 equipment and system installations regulated by this Code shall comply with
30 General Ordinance No. 5907 dated November 1, 2010.

31
32 (f) Amend Section 307, Condensate Disposal, by adding a new subsection,
33 307.6 Condensate pumps, as follows:

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307.6 Condensate pumps. Condensate pumps located in uninhabitable spaces, such as attics and crawl spaces, shall be connected to the appliance or equipment served such that when the pump fails, the appliance or equipment will be prevented from operating. Pumps shall be installed in accordance with the manufacturer's instructions.

(g) Amend Section 310 (IFGS), Electrical Bonding, Subsection 310.1.1, CSST, to read as follows:

310.1.1 CSST. Corrugated stainless steel tubing (CSST) gas piping systems and piping systems containing one or more segments of CSST shall be bonded to the electrical service grounding electrode system or, where provided, the lightning protection grounding electrode system.

310.1.1.1 Point of connection. The bonding jumper shall connect to a metallic pipe, pipe fitting or CSST fitting.

310.1.1.2 Size and material of jumper. The bonding jumper shall be not smaller than 6 AWG copper wire or equivalent.

310.1.1.3 Bonding jumper length. The length of the bonding jumper between the connection to a gas piping system and the connection to a grounding electrode system shall not exceed 75 feet (22 860 mm). Any additional grounding electrodes used shall be bonded to the electrical service grounding electrode system or, where provided, the lightning protection grounding electrode system.

310.1.1.4 Bonding connections. Bonding connections shall be in accordance with NFPA 70.

310.1.1.5 Connection devices. Devices used for making the bonding conceptions shall be listed for the application in accordance with UL 467.

(fh) Amend Section 401, General, subsection 401.5, Identification, as follows:

401.5 Identification. All gas piping shall be identified by a yellow background marked "Gas" in black letters. Identification shall be in the form of a tag, stencil or other permanent marking. Such identification shall be clearly and easily read from the floor of the room of its location. Spacing on black steel pipe shall be at intervals of not more than 15 feet in concealed locations, not more than 25 feet in exposed locations, and not less than once in any room space. Spacing for all other piping materials shall be at intervals not exceeding 5 feet and not less than once in any room space.

79 (gj) Amend Section 402, Pipe sizing, subsection 402.6, Maximum design
80 operating pressure, as follows:

81
82 *402.6 Maximum design operating pressure.* Typical design operating pressure
83 shall be 0.25 psig. Design operating pressures other than 0.25 psig shall only be
84 allowed in areas where the gas supplier has sufficient main-line delivery pressure
85 to assure adequate supply. The installer shall be responsible for verifying the
86 availability of elevated pressure.

87
88 *402.6.1* For design operating pressures of 2 psig or less, the piping material shall
89 be in conformance with Section 403 of the 2012 International Fuel Gas Code as
90 amended herein.

91
92 *402.6.2* Design operating pressures above 2 psig shall only be allowed if all of
93 the following conditions are met:

- 94
95 1. The piping system is located in an area zoned to allow commercial,
96 industrial or heavy manufacturing uses.
97
98 2. The connected load is 1000 CFH or greater and the facility has
99 connected equipment that requires higher pressures for proper operation.
100
101 3. The installation is approved by the Code Official and the fuel gas
102 supplier.
103
104 4. The piping system is welded steel pipe.
105
106 5. Adequate pressure is available from the fuel gas supplier.
107
108 6. All connected equipment is provided with regulators rated for the
109 pressure provided.

110
111 *402.6.3 Liquefied petroleum gas systems.* The operating pressure for undiluted
112 LP-gas systems shall not exceed 20 psig (140 kPa gauge). Buildings having
113 systems designed to operate below -5°F (-21°C) or with butane or a propane-
114 butane mix shall be designed to either accommodate liquid LP-gas or prevent
115 LP-gas vapor from condensing into a liquid.

116
117 (~~h~~j) Repeal subsection 403.4.3, Copper and brass, in its entirety.

118
119 (~~i~~k) Repeal subsection 403.5.2, Copper and brass tubing, in its entirety.

120
121 (~~j~~l) Amend Section 404, Piping system installation, subsection 404.5, Piping
122 in concealed locations, by adding new subsection 404.5.1, as follows:
123

124 *404.5.1 Corrugated Stainless Steel Tubing (CSST) Physical damage*
125 *protection.* All CSST piping located within a wall cavity shall be protected by
126 installing the CSST inside a metal sleeve made of Schedule 40 steel pipe or
127 floppy galvanized steel conduit as provided by the CSST manufacturer.

128
129 (~~km~~) Amend Section 404, Piping system installation, by adding new
130 subsections 404.7.1 and 404.7.2, as follows:

131
132 *404.7.1 Gas meter connections.* Gas piping shall not be stubbed out of the
133 building wall for connection to the gas meter within three feet of all electrical
134 devices, or 30 inches of any foundation vent, building vent, fresh air vent,
135 combustion air vent, door or window (other than non-operable windows.) All
136 residential gas meter settings shall be located within ten feet of the front corner of
137 the building. All gas meter settings shall be located at the building wall and the
138 outlet piping of the meter shall enter the building above grade. Meter locations
139 other than those specified shall be approved by the Code Official and the gas
140 supplier.

141
142 *404.7.2 Commercial gas meter connection.* Gas piping shall not be stubbed out
143 of the building wall for connection to the gas meter within three feet of any hose
144 bibs, electric devices, fire connections, air intakes, vents or other obstructions. All
145 gas meter settings shall be located at the building wall and the outlet piping of the
146 meter shall enter the building above grade.

147
148 (~~ln~~) Amend Section 404, Piping system installation, subsection 404.11,
149 Protection against corrosion, as follows:

150
151 *404.11 Protection against corrosion.* Metallic pipe or tubing exposed to corrosive
152 action, such as soil condition or moisture, shall be protected in an approved
153 manner. Zinc coatings (galvanizing) shall not be deemed adequate protection for
154 gas piping underground. Ferrous metal exposed in exterior locations shall be
155 protected from corrosion in a manner satisfactory to the Code Official. Where
156 dissimilar metals are joined underground, an insulating coupling or fitting shall be
157 used. Piping shall not be laid in contact with cinders. Buried steel piping shall be
158 coated and insulated with insulating fittings or unions on both ends above grade
159 outside the building within 6 inches to 18 inches above grade with a minimum of
160 one-5lb magnesium anode installed for every 200 feet of buried pipe.

161
162 (~~mo~~) Amend Section 404, Piping system installation, by adding new
163 subsection 404.20, as follows:

164
165 *404.20 Corrugated Stainless Steel Tubing (CSST) at the meter location.* All
166 CSST piping shall terminate utilizing the pipe manufacturer's approved meter
167 termination fitting securely anchored to the structure in such a manner to properly
168 support the meter. No CSST fitting connections shall be concealed within the
169 structure at the meter location.

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(~~ap~~) Amend Section 405, Piping bends and changes in direction, by adding new subsection 405.5, as follows:

405.5 Corrugated Stainless Steel Tubing (CSST). The minimum bending radius For CSST shall be as follows:

- Pipe Size 3/8, 1/2, and 3/4 inch diameter - minimum radius 3 inches
- Pipe Size 1, 1 1/4, 1 1/2 inch diameter - minimum radius 5 inches
- Pipe Size 2 inch and larger - minimum radius 6 inches

(~~eq~~) Amend subsection 406.4.1, Test pressure, as follows:

406.4.1 Test pressure and duration. The test on threaded gas piping designed for 2 PSIG and less, shall be made by closing all openings and subjecting the pipes to a minimum of 20 PSIG with a 15-minute duration. The test on all gas piping designed for greater than 2 PSIG shall be a minimum of 20 PSIG with 120-minute duration. The measurement range of the test gauge used shall be from 0 to no more than 30 PSIG.

(~~pr~~) Repeal subsection 406.4.2, Test duration, in its entirety.

(~~qs~~) Amend Section 407, Piping support, by adding new subsection 407.2.1, as follows:

407.2.1 Corrugated Stainless Steel Tubing (CSST.) All CSST greater than 16 inches in length, and run horizontally, shall be continuously supported and shall be attached to the continuous support member at intervals not to exceed six (6) feet on center.

(~~rt~~) Amend Section 409, Shutoff valves, by adding new subsection 409.1.4, as follows:

409.1.4 Shutoff valve support. All shutoff valves shall be supported in such a manner as to prevent movement of the valve body when the valve is operated. Connection of the valve to a section of iron pipe either immediately upstream or downstream of the valve shall be considered an acceptable support.

(~~su~~) Amend Section 410, Flow controls, by adding new subsection 410.3.2, as follows:

410.3.2 All regulator relief vents terminating outdoors shall be provided with a manufactured termination fitting equipped with an internal stainless steel screen. The termination point shall be a minimum of eighteen (18) inches above grade or roof surface.

216 (tv) Amend subsection 411.1, Connecting appliances, to read as follows:

217

218 *411.1 Connecting appliances.* Except as required by Section 411.1.1, appliances
219 shall be connected to the piping system by one of the following:

220

221

1. Rigid metallic pipe and fittings.

222

223

2. Corrugated Stainless Steel Tubing (CSST) where installed in
224 accordance with the manufacturer's instructions.

225

226

3. Semi-rigid metallic tubing and metallic fittings. Lengths shall not exceed
227 6 feet (1829 mm) and shall be located entirely in the same room as the
228 appliance. Semi-rigid metallic tubing shall not enter a motor-operated
229 appliance through an unprotected knockout opening. Flexible connectors
230 are allowed with the approval of the Code Official.

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4. Listed and labeled appliance connectors in compliance with ANSI
233 Z21.24 and installed in accordance with the manufacturer's installation
234 instructions and located entirely in the same room as the appliance.

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236

5. Listed and labeled quick-disconnect devices used in conjunction with
237 listed and labeled appliance connectors.

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6. Listed and labeled convenience outlets used in conjunction with listed
240 and labeled appliance connectors.

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242

7. Listed and labeled appliance connectors complying with ANSI Z21.69
243 and listed for use with food service equipment having casters, or that is
244 otherwise subject to movement for cleaning, and other large movable
245 equipment.

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8. Listed and labeled outdoor appliance connectors in compliance with
248 ANSI Z21.75/CSA 6.27 and installed in accordance with the manufacturer's
249 installation instructions.

250

251

(w) Amend Section 614 (IFGC), Clothes Dryer Exhaust, by adding a new
252 subsection, 614.9 Manufacturer's instructions, and a new subsection, 614.10
253 Exhaust duct power ventilators, as follows:

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255

[M] 614.9 Manufacturer's instructions. Dryer exhaust duct power ventilator length.
256 The maximum length of the exhaust duct shall be determined by the dryer
257 exhaust duct power ventilator manufacturer's instructions.

258

259

[M] 614.10 Dryer exhaust duct power ventilators. Domestic dryer exhaust duct
260 power ventilators shall be listed and labeled to UL 705 for use in dryer exhaust

261 duct systems. The dryer exhaust duct power ventilator shall be installed in
262 accordance with the manufacturer's instructions.

263
264 Section 2 – Savings Clause. Nothing in this ordinance shall be construed to
265 affect any suit or proceeding now pending in any court or any rights acquired or liability
266 incurred nor any cause or causes of action accrued or existing, under any act or
267 ordinance repealed hereby, or shall any right or remedy of any character be lost,
268 impaired, or affected by this ordinance.

269
270 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
271 phrase of this ordinance is for any reason held to be invalid, such decision shall not
272 affect the validity of the remaining portions of this ordinance. The Council hereby
273 declares that it would have adopted the ordinance and each section, subsection,
274 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
275 sections, subsections, sentences, clauses, or phrases be declared invalid.

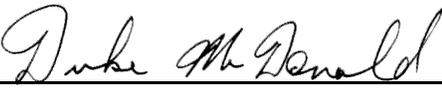
276
277 Section 4 – This ordinance shall be in full force and effect from and after
278 February 1, 2016

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280 Passed at meeting: _____

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283 _____
284 Mayor

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286 Attest: _____, City Clerk

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289 Filed as Ordinance: _____

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291 Approved as to form: , Assistant City Attorney

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293
294 Approved for Council Action: , City Manager

EXPLANATION TO COUNCIL BILL NO. 2016-010

FILED: 01-05-16

ORIGINATING DEPARTMENT: BUILDING DEVELOPMENT SERVICES

PURPOSE: To amend and add certain sections of Chapter 36 of the Springfield City Code, known as the Land Development Code, Article XIV, Fuel Gas Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Fuel Gas Code, Section 36-1402 by amending certain subsections and enacting new subsections related to the same subject.

BACKGROUND AND REMARKS: With the adoption of the 2012 International Fuel Gas Code staff and the development community determined that it would be in the best interest of the community to change from a 3 year cycle on new code adoption to a 6 year cycle. The international codes are revised and published every 3 years. It was also agreed that the “off year publication” (2015 edition) would be reviewed for possible amendments to the 2012 edition currently adopted by the City of Springfield. The proposed amendments are based on a review of the 2015 edition. The proposed amendments provide improved language and design provisions that will benefit citizens and the development community.

The proposed amendments were placed on the City website for review by the members of the Home Builders Association, Springfield Contractors Association, Missouri Society of Professional Engineers, the local chapter of the American Institute of Architects, and the Development Issues Input Group. The City has received no objections to the proposed amendments.

Submitted by:



Building Development Services

Approved by:



City Manager

One-rdg. _____
P. Hrg. _____
Pgs. 5
Filed: 01-05-16

Sponsored by: Hosmer

First Reading: _____

Second Reading _____

COUNCIL BILL NO. 2016-011

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, known as the Land
2 Development Code, Article IX, Mechanical Code, Division 2 – Deletions,
3 Modifications, Amendments, and Additions to the Mechanical Code,
4 Section 36-632 by amending certain subsections and enacting new
5 subsections related to the same subject.
6
7

8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
9 MISSOURI, as follows, that:

10 Section 1 – Chapter 36 of the Springfield City Code, known as the Land
11 Development Code, Article IX, Mechanical Code, Division 2 – Deletions, Modifications,
12 Amendments, and Additions to the Mechanical Code, Section 36-632 is hereby
13 amended as follows:
14

15 Note: Underlined language is to be added. ~~Stricken~~ language is to be removed.

16 Sec. 36-632. - Deletions, modifications, amendments, and additions to the mechanical
17 code.
18
19
20

21 The 2012 International Mechanical Code, as adopted, is hereby amended and
22 changed as follows:
23

24 *****

25
26 (e) Amend Section 307, Condensate disposal, subsection 307.2.1,
27 Condensate disposal, to read as follows:
28

29 *307.2.1 Condensate disposal.* Condensate from all cooling coils and evaporators
30 shall be conveyed from the drain pan outlet to an approved place of disposal.
31 Such piping shall maintain a minimum horizontal slope in the direction of
32 discharge of not less than one-eighth unit vertical in 12 units horizontal (1-

33 percent slope). Condensate shall not discharge into a street, alley, crawl space
34 or other areas so as to cause a nuisance.

35
36 (f) Amend Section 307, Condensate Disposal, by adding a new subsection,
37 307.2.5, Drain line maintenance, and a new subsection 307.3 Condensate
38 Pumps, as follows:

39
40 307.2.5 Drain Line Maintenance. Condensate drain lines shall be configured to
41 permit the clearing of blockages and performance of maintenance without
42 requiring the drain line to be cut.

43
44 307.3 Condensate pumps. Condensate pumps located in uninhabited spaces,
45 such as attics and crawl spaces, shall be connected to the appliance or
46 equipment served such that when the pump fails, the appliance or equipment will
47 be prevented from operating. Pumps shall be installed in accordance with the
48 manufacturers' instructions.

49
50 (fg) Amend Section 502, Required systems, subsection 502.14, Motor
51 vehicle operation, by adding the following exception:

52
53 *Exception:* If it can be shown, subject to the approval of the authority having
54 jurisdiction, that the area of motor vehicle operation in an existing building was
55 previously used as a motor vehicle operation area, a properly listed and labeled
56 exhaust hose not greater than eight (8) feet in length may be used, provided it is
57 connected to the vehicle while in operation and securely attached to a permanent
58 opening through the exterior surface of the building.

59
60 (h) Amend Section 504, Clothes Dryer Exhaust, by adding a new subsection,
61 504.4.1 Dryer exhaust duct power ventilators, and a new subsection, 504.4.2
62 Dryer exhaust duct power ventilator length as follows:

63
64 504.4.1 Dryer exhaust duct power ventilators. Domestic dryer exhaust duct
65 power ventilators shall be listed and labeled to UL705 for use in dryer exhaust
66 duct systems. The dryer exhaust duct power ventilator shall be installed in
67 accordance with the manufacturers' instructions.

68
69 504.4.2 Dryer exhaust duct power ventilator length. The maximum length of the
70 exhaust duct shall be determined by the dryer exhaust duct power ventilator
71 manufacturers' installation instructions.

72
73 (i) Amend Section 504, Clothes Dryer Exhaust, Subsection 504.6.5 Length
74 identification, as follows:

75
76 504.6.5 Length identification. Where the exhaust duct equivalent length
77 exceeds 35 feet (10 668 mm), the equivalent length of the exhaust duct shall be

78 identified on a permanent label or tag. The label or tag shall be located within 6
79 feet (1829 mm) of the exhaust duct connection.

80
81 (j) Amend Section 506, Commercial Kitchen Hood Ventilation System Ducts
82 and Exhaust Equipment, Subsection 506.3.2.5 Grease duct test, as follows.

83
84 506.3.2.5 Grease duct test. Prior to use or concealment of any portion of the
85 grease duct system, a leakage test shall be performed. Ducts shall be
86 considered to be concealed where installed in shafts or covered coatings or
87 wraps that prevent the ductwork from being inspected on all sides. The permit
88 holder shall be responsible to provide the necessary equipment and perform the
89 grease duct leakage test. The grease duct shall be tested by drawing a vacuum
90 on or pressurizing the installed, in place, grease duct to a minimum of 4 inches
91 water column (995 pa, 0.144 psi). The test shall be witnessed by an authorized
92 inspector. The grease duct will pass inspection if the pressure or vacuum
93 applied holds for 15 minutes with zero leakage. The measurement range of the
94 test gauge or manometer used shall be from 0 to no more than 10 inches WC.

95
96 (k) Amend Section 506, Commercial Kitchen Hood Ventilation System Ducts
97 and Exhaust, Subsection 506.3.8 Grease duct cleanouts and openings, Item 2,
98 as follows:

99
100 2. Sections of grease ducts that are inaccessible from the hood or discharge
101 openings shall be provided with cleanout openings spaced not more than 20 feet
102 (6096 mm) apart and not more than 10 feet (3048 mm) from changes in direction
103 greater than 45 degrees (0.79 rad).

104
105
106 (gl) Amend Section 507, Commercial kitchen hoods, subsection 507.2.3,
107 Domestic cooking appliances used for commercial purposes, by adding the
108 following exception:

109
110 *Exception:* A domestic cooking appliance found in a use group other than Use
111 Group A2 and used for the purpose of only warming precooked foods (such as
112 office break room, day care centers, churches, culinary classrooms in schools,
113 colleges, and universities) shall be provided with a Type II hood or a domestic
114 range hood. The hood shall be the same width as the appliance and shall be
115 exhausted to the exterior of the building.

116
117 Section 2 – Savings Clause. Nothing in this ordinance shall be construed to
118 affect any suit or proceeding now pending in any court or any rights acquired or liability
119 incurred nor any cause or causes of action accrued or existing, under any act or
120 ordinance repealed hereby, or shall any right or remedy of any character be lost,
121 impaired, or affected by this ordinance.

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

129
130 Section 4 – This ordinance shall be in full force and effect from and after
131 February 1, 2016

132
133 Passed at meeting: _____

134
135
136 _____
137 Mayor

138
139 Attest: _____, City Clerk

140
141
142 Filed as Ordinance: _____

143
144 Approved as to form: , Assistant City Attorney

145
146 Approved for Council Action: , City Manager

EXPLANATION TO COUNCIL BILL NO. 2016-011

FILED: 01-05-16

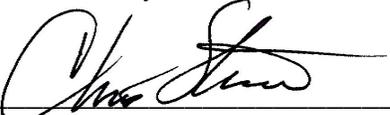
ORIGINATING DEPARTMENT: BUILDING DEVELOPMENT SERVICES

PURPOSE: To amend and add certain sections of Chapter 36 of the Springfield City Code, known as the Land Development Code, Article IX, Mechanical Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Mechanical Code, Section 36-632 by amending certain subsections and enacting new subsections related to the same subject.

BACKGROUND AND REMARKS: With the adoption of the 2012 International Mechanical Code, staff and the development community determined that it would be in the best interest of the community to change from a 3 year cycle on new code adoption to a 6 year cycle. The international codes are revised and published every 3 years. It was also agreed that the “off year publication” (2015 edition) would be reviewed for possible amendments to the 2012 edition currently adopted by the City of Springfield. The proposed amendments are based on a review of the 2015 edition. The proposed amendments provide improved language and design provisions that will benefit citizens and the development community.

The proposed amendments were placed on the City website for review by the members of the Home Builders Association, Springfield Contractors Association, Missouri Society of Professional Engineers, the local chapter of the American Institute of Architects, and the Development Issues Input Group. The City has received no objections to the proposed amendments.

Submitted by:



Building Development Services

Approved by:



City Manager

One-rdg. _____
P. Hrg. _____
Pgs. 9
Filed: 01-05-16

Sponsored by: Fisk

First Reading: _____

Second Reading _____

COUNCIL BILL NO. 2016-012

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, known as the Land
2 Development Code, Article VIII, Plumbing Code, Division 2 – Deletions,
3 Modifications, Amendments, and Additions to the Plumbing Code, Section
4 36-622 by amending certain subsections and enacting new subsections
5 related to the same subject; and amending Section 36-624 – Penalty
6 clause to correct an error.
7
8

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

11 Section 1 – Chapter 36 of the Springfield City Code, known as the Land
12 Development Code, Article VIII, Plumbing Code, Division 2 – Deletions, Modifications,
13 Amendments, and Additions to the Plumbing Code is hereby amended as follows:
14
15

16 Note: Underlined language is to be added. ~~Stricken~~ language is to be removed.

17
18 Sec. 36-622. - Deletions, modifications, amendments, and additions to the plumbing
19 code.
20

21 The 2012 International Plumbing Code as adopted is hereby amended and
22 changed as follows:
23

24 *****

25
26 (i) Amend Section 604, Design of building water distribution system,
27 subsection 604.8, Water pressure reducing valve or regulator, as follows:
28

29 604.8 Water pressure reducing valve or regulator. An approved water-pressure
30 reducing valve conforming to ASSE 1003 with strainer shall be installed to
31 reduce the pressure in the building water distribution piping to 80 psi (552 kPa)
32 static or less. Where the water pressure within a building is expected to exceed
33 80 psi (552 kPa) static, an approved water-pressure reducing valve conforming

34 to ASSE 1003 or CSA B356 with strainer shall be installed to reduce the
35 pressure in the water distribution piping to not greater than 80 psi (552 kPa)
36 static.

37
38 ****

39
40 (l) Amend Section 608, Protection of potable water supply, by adding new
41 subsection 608.1.1, as follows:

42
43 *608.1.1 Public water supply protection.* The public water supply distribution
44 system shall be protected from any cross connections. All nonresidential
45 customers shall install, maintain, and test yearly, a reduced pressure principal
46 backflow device. The device shall be installed as close as possible to the point
47 where the potable water service enters the building or as approved by the water
48 purveyor. No branch lines or taps will be allowed between the water meter and
49 the backflow device. The installation of the backflow assembly shall be required
50 as a condition for any new nonresidential ~~servicesystem~~ and for permitted
51 modifications to an existing nonresidential service where more than four drainage
52 fixture units, as defined in Table 709.1, are installed. The draining fixture unit
53 value for pot sinks or three compartment sinks is defined as three.

54
55 *****

56
57 (q) Amend Section 701, General, subsection 701.2, Sewer required, as
58 follows:

59
60 *Section 701.2 Sewer required.* ~~Every b~~Buildings in which plumbing fixtures are
61 installed and all premises having drainage piping shall be connected to a public
62 sewer, where available, or an approved private sewage disposal system in
63 accordance with the 2012-International Private Sewage Disposal Code.
64 Connections to a public sewer shall conform to Public Works Standard Drawing
65 Details for Public Improvements, including Standard Drawing Details SAN-24 and
66 SAN-25. Plumbing Code and Article I, Zoning Ordinance, of the Land
67 Development Code of the City of Springfield. A public sewer shall be considered
68 available when it is within 200 feet of any structure with plumbing fixtures and
69 drainage piping. (A copy of SAN-24 and SAN-25 is attached hereto and
70 incorporated herein by reference as "Exhibit 1.")

71
72 (r) Amend Section 708 Cleanouts, Subsection 708.3.2 Building sewers, as
73 follows:

74
75 *Section 708.3.2 Building sewers.* Building sewers shall be provided with
76 cleanouts located not more than 100 feet (30,480 mm) apart measured from the
77 upstream entrance of the cleanout, and as shown on Public Works Standard
78 Drawing Detail SAN-25. For building sewers 8 inches (203 mm) and larger,
79 manholes shall be provided and located not more than 200 feet (60,960 mm)

80 from the junction of the building drain and public sewer, at each change in
81 direction and at intervals of not more than 400 feet (122 m) apart. Manholes and
82 manhole covers shall be of an approved type.

83
84 (fs) Amend Section 903, Vent terminals, subsection 903.1 Roof extension,
85 as follows:

86
87 *903.1 Roof extension.* All open vent pipes that extend through a roof shall be
88 terminated at least 12 inches above the roof, except that where a roof is to be
89 used for any purpose other than weather protection, the vent extensions shall be
90 run at least seven feet (2134 mm) above the roof.

91
92 (st) Amend Section 918, Air admittance valves, by adding new subsection
93 918.1.1, as follows:

94
95 *918.1.1 Permitted locations.* The use of air admittance valves shall be permitted
96 only in the remodel of existing buildings and shall not be permitted in new
97 structures and building additions, except for island fixtures, unless prior approval
98 is granted by the authority having jurisdiction.

99
100 ~~(t) Amend Section 1003, Interceptors and separators, by adding new~~
101 ~~subsection 1003.2.1, as follows:~~

102
103 ~~*1003.2.1 Design Standard and Sizing.* All interceptors shall be Plumbing and~~
104 ~~Drainage Institute (POI) certified and sized in accordance with POI or~~
105 ~~manufacturer's design criteria. All noncertified devices shall be subject to the~~
106 ~~approval of the authority having jurisdiction.~~

107
108 (u) Amend Section 1003, Interceptors and separators, subsection 1003.3.1,
109 Grease interceptors and automatic grease removal devices required, as
110 follows:

111
112 *1003.3.1 Grease interceptors and automatic grease removal devices required.* A
113 grease interceptor or automatic grease removal device shall be required to
114 receive the drainage from fixtures and equipment with grease laden waste
115 located in food preparation areas, such as in restaurants, hotel kitchen, hospitals,
116 school kitchens, bars, factory cafeterias and clubs. Fixtures and equipment shall
117 include pot sinks, pre-rinse sinks; soup kettles or similar devices; work stations;
118 floor drains or sinks into which kettles are drained; mop sinks, kitchen floor
119 drains, culinary sinks; automatic hood wash units and dishwashers without pre-
120 rinse sinks. Grease interceptors and automatic grease removal devices shall
121 receive waste only from fixtures and equipment that allow fats, oils or grease to
122 be discharged. Where the lack of space or other constraints prevent the
123 installation or replacement of a grease interceptor, one or more grease
124 interceptors shall be permitted to be installed on or above the floor and upstream
125 of an existing grease interceptor.

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(v) Amend Section 1003, Interceptors and Separators, Subsection 1003.3.4, as follows:

1003.3.4 Interceptors and Separators. Hydromechanical grease interceptors and automatic grease removal devices. Minimum required size of hydromechanical grease interceptors and automatic grease removal devices shall be sized determined in accordance with ASME A112.14.3 Appendix A, ASME112.14.4, CSA B481.3 or PDI G101. Drainage period used in calculations to size hydromechanical grease interceptors and automatic grease removal devices shall be no more than 1 minute. Hydromechanical grease interceptors and automatic grease removal devices shall be designed and tested in accordance with ASME A112.14.3 Appendix A, ASME 112.14.4, CSA B481.1, PDI G101 or PDI G102. Hydromechanical grease interceptors equipped with manholes for access shall be equipped with a manhole for each chamber in the interceptor. Concrete grease interceptors will not be allowed. Hydromechanical grease interceptors and automatic grease removal devices shall be installed in accordance with the manufacturer's instructions. Where manufacturer's instructions are not provided, hydromechanical grease interceptors and grease removal devices shall be installed in compliance with ASME A112.14.3, ASME112.14.4, CSA B481.3 or PDI G101. This section shall not apply to gravity grease interceptors. Gravity grease interceptors shall be subject to the approval of the Authority Having Jurisdiction.

(~~v~~w) Amend Section 1003, Interceptors and separators, by adding new subsection 1003.11, as follows:

1003.11 Sampling manhole. A sampling manhole shall be installed for all required interceptors in accordance with City of Springfield Public Works standard details to monitor the entire building, or individual tenant space.

(~~w~~x) Repeal all language referencing flood hazard areas in various sections and replace with the following:

All structures located within a designated flood hazard area shall comply with General Ordinance No. 5907, dated November 1, 2010.

(~~x~~y) The following section of the International Green Construction Code shall be considered an adopted part of the Plumbing Code:

SECTION 707, RAINWATER COLLECTION AND DISTRIBUTION SYSTEMS.

Section 2 – Amending Section 36-624 Penalty clause of the Springfield City Code as follows:

Sec. 36-624. - Penalty clause.

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Any person violating any of the provisions of this ordinance, or failing to comply with any order issued pursuant to any section thereof, or who shall erect, construct, alter or repair a building, structure or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of these codes, shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided for in section 1-7 of the City Code, except that any fine imposed shall not be less than \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Each day that a violation continues, after a service of notice as provided for in these codes, shall be deemed a separate offense. Notice as set forth in section ~~36-167~~ 36-166 shall not be required in order to prosecute a person for a violation of any provision of this article or these codes, except such notice shall be required to prosecute a person for failure to comply with an order.

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

Section 4 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 5 – This ordinance shall be in full force and effect from and after February 1, 2016

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

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

218 Approved for Council Action: , City Manager

EXPLANATION TO COUNCIL BILL NO. 2016-012

FILED: 01-05-16

ORIGINATING DEPARTMENT: BUILDING DEVELOPMENT SERVICES

PURPOSE: To amend and add certain sections of Chapter 36 of the Springfield City Code, known as the Land Development Code, Article VIII, Plumbing Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Plumbing Code, Section 36-622 by amending certain subsections and enacting new subsections related to the same subject; and amending Section 36-624 – Penalty clause to correct an error.

BACKGROUND AND REMARKS: With the adoption of the 2012 International Plumbing Code, staff and the development community determined that it would be in the best interest of the community to change from a 3 year cycle on new code adoption to a 6 year cycle. The international codes are revised and published every 3 years. It was also agreed that the “off year publication” (2015 edition) would be reviewed for possible amendments to the 2012 edition currently adopted by the City of Springfield. The proposed amendments are based on a review of the 2015 edition. The proposed amendments provide improved language and design provisions that will benefit citizens and the development community.

The proposed amendments were placed on the City website for review by the members of the Home Builders Association, Springfield Contractors Association, Missouri Society of Professional Engineers, the local chapter of the American Institute of Architects, and the Development Issues Input Group. The City has received no objections to the proposed amendments.

Submitted by:



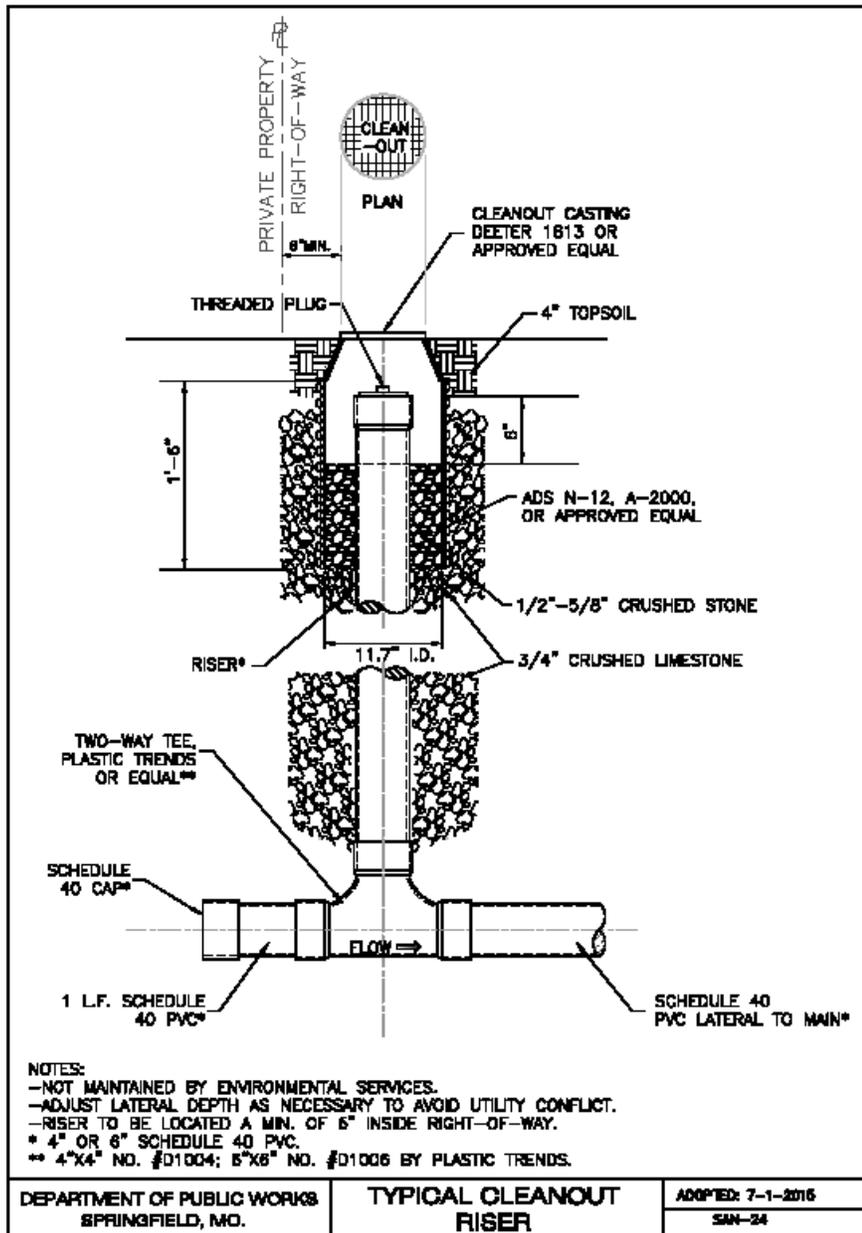
Building Development Services

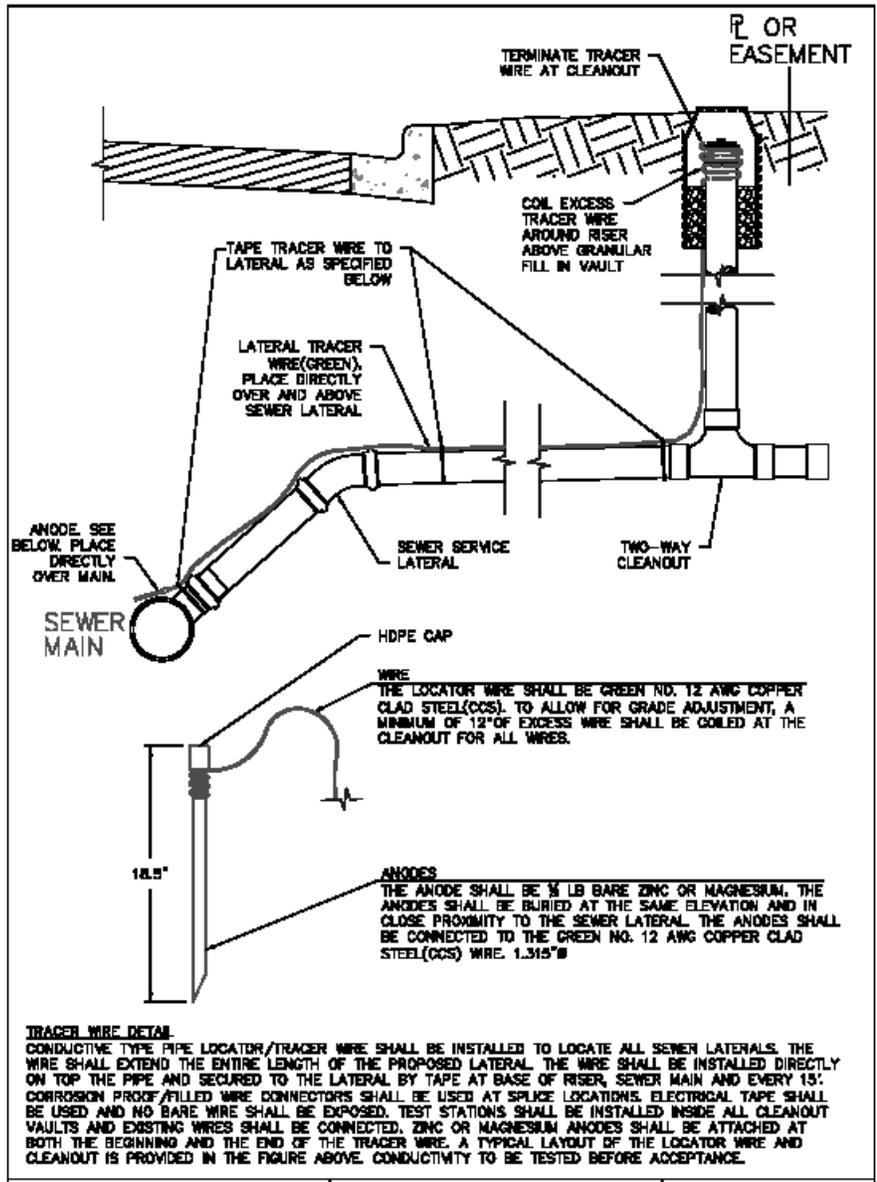
Approved by:



City Manager

Exhibit 1





DEPARTMENT OF PUBLIC WORKS SPRINGFIELD, MO.	TRACER WIRE DETAIL	ADOPTED: 7-1-2015 SAN-25
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One-rdg. _____
P. Hrg. _____
Pgs. 14
Filed: 01-05-16

Sponsored by: McClure

First Reading: _____

Second Reading _____

COUNCIL BILL NO. 2016- 013

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, known as the Land
2 Development Code, Article XIII, Residential Code, Division 2 – Deletions,
3 Modifications, Amendments, and Additions to the Residential Building
4 Code, Section 36-1302 by amending certain subsections and enacting
5 new subsections related to the same subject.
6
7

8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
9 MISSOURI, as follows, that:

10
11 Section 1 – Chapter 36 of the Springfield City Code, known as the Land
12 Development Code, Article XIII, Residential Code, Division 2 – Deletions, Modifications,
13 Amendments, and Additions to the Residential Building Code, Section 36-1302 is
14 hereby amended as follows:

15
16 Note: Underlined language is to be added. ~~Stricken~~ language is to be removed.

17
18 Sec. 36-1302. - Deletions, modifications, amendments and additions to the residential
19 building code.

20
21 The 2012 International Residential Building Code, as adopted, is hereby amended
22 and changed as follows:

23 *****

24
25 (e) Amend Section R202, Definitions, by adding the following definition:

26
27 Sleeping Room-in-a-Basement. A sleeping room-in-a-basement is any space,
28 whether finished or not, meeting the minimum room area requirements of Section
29 R304 of the 2012 International Residential Building Code that are designed for,
30 or intended for, the purpose of a bedroom.

31 *****
32

33 (i) Repeal Section R303, Light, ventilation and heating, subsection R303.4,
34 Mechanical Ventilation, in its entirety.

35
36 (j) Amend Section R308.4.2, Glazing adjacent doors, to read as follows:

37
38 R308.4.2 Glazing adjacent to doors: Glazing in an individual fixed or operable
39 panel adjacent to a door shall be considered to be a hazardous location where
40 the bottom exposed edge of the glazing is less than 60 inches (1524 mm) above
41 the floor or walking surface and it meets either of the following conditions:

42
43 1. Where the glazing is within 24 inches (610 mm) of either side of the
44 door in the plane of the door and in a closed position.

45
46 2. Where the glazing is on a wall perpendicular to the plane of the
47 door in a closed position and within 24 inches (610 mm) of the hinge side
48 of an in-swinging door.

49
50 Exceptions:

51
52 1. Decorative glazing.

53
54 2. When there is an intervening wall or other permanent barrier
55 between the door and the glazing.

56
57 3. Where access to through the door is to a closet or storage are 2
58 feet (914 mm) or less in depth. Glazing in this application shall comply
59 with the section R308.4.3.

60
61 4. Glazing that is adjacent to the fixed panel of patio doors.

62
63 (k) Amend Section R310, Emergency Escape and Rescue Openings, by
64 adding a new subsection, R310.6 Alterations or repairs to existing basements, as
65 follows:

66
67 R310.6 Alterations or repairs to existing basements. An emergency escape and
68 rescue opening is not required where existing basements undergo alterations or
69 repairs.

70
71 Exception: New sleeping rooms created in an existing basement shall be
72 provided with emergency escape and rescue openings in accordance with
73 R310.1.

74
75 (j) Repeal Section R315, Carbon monoxide alarms, subsection R315.3,
76 Where required in existing dwellings, in its entirety, and provide a new
77 subsection R315.3, as follows:

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R315.3 Alterations and additions. When alterations or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be equipped with carbon monoxide alarms as required for new dwellings.

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section.

(~~k~~m) Amend Section R319, Site address, subsection R319.1, Address numbers, as follows:

R319.1 Address numbers. Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. These numbers shall contrast with their background. The assigned address number shall be clearly posted on the site as soon as work commences and shall remain in place until the building is removed from that site. Letters and numbers shall be in conformance with Chapter 26, Section 26-3, Numbering of businesses and dwellings units, of the Springfield City Code.

(~~h~~n) Amend Section R320, Accessibility, subsection R320.1, Scope, as follows:

R320.1 Scope. Where there are three or more dwelling units or sleeping rooms in a single structure, the provisions of Chapter 11, of the 2012 International Building Code for Group R-3 shall apply.

(~~m~~o) Repeal Section R403, Footings, subsection R403.1.3.1 in its entirety, and provide a new subsection R403.1.3.1, as follows:

R403.1.3.1 Footings with stemwalls. Footings shall be provided with a minimum of two No. 4 bars equally placed approximately eight inches apart horizontally and between two and four inches above the bottom of the footing. If the footing is wider than 24 inches, a third No. 4 bar shall be added and all three shall be equally spaced across the width of the footing, beginning at least two inches from each outer edge.

123 Stemwalls shall be provided with a minimum of two horizontal No. 4 bars, to be
124 located approximately three inches from the exterior surface of the wall and
125 spaced approximately 18 inches apart vertically with the top and bottom bars
126 within six inches of the top and bottom of the stemwall. If the stemwall is taller
127 than three feet, additional bars shall be added such that the spacing between the
128 horizontal bars is not greater than 18 inches. Vertical No. 4 bars shall be used to
129 adequately support the horizontal reinforcement.

130
131 (np) Amend Section R403, Footings, by adding a new subsection R403.4, as
132 follows:

133
134 *R403.5 Pad and Pier Foundations.* All concrete pads and piers shall be of
135 sufficient design to accommodate all loads according to Section R302 and to
136 transmit the resulting loads to the soil within the limitations as determined from
137 the character of the soil. The concrete piers shall meet the following minimum
138 requirements:

- 139
140 1. The pier must be centered on and along the beam centerline and must
141 be uniform in size over the entire height of the pier. The size of the pier
142 shall be equal to or greater than the width of the beam being supported.
143 The beam must be fully supported by the pier.
144 2. The pier shall be plumb to within 1/8 inch for every 12 inches of height.
145 3. All piers shall be reinforced with a minimum of two, No. 4 dowels. One
146 additional dowel shall be added for every two inches of diameter over eight
147 inches, or equivalent cross-sectional area.
148 4. At a minimum, the pad for the pier shall be of similar width and depth as
149 that for the perimeter footing.

150
151 (eq) Amend Section R404, Foundations and retaining walls, by deleting
152 Table R404.1(a) and all related references thereto.

153
154 (pr) Delete Section R501, General, subsection R501.3, Fire protection of
155 floors, in its entirety.

156
157 (qs) Amend Section R507, Decks, subsection R507.1, Decks, by adding the
158 following exception:

159
160 *Exception:* Section R507.1 shall not apply to decks which are less than 48 inches
161 above the adjoining finish grade.

162
163 (t) Amend Section R802, Wood Roof Framing, Subsection R802.3 Framing
164 details, as follows:

165
166 *R802.3 Framing details.* Rafters shall be framed to ridge board or to each not
167 more than 1½-inch (38mm) offset from each other to the ridge board or directly
168 opposite each other with a gusset plate as a tie. Ridge board shall not be less

169 than 1-inch (25 mm) nominal thickness and not less than the cut end of the rafter.
170 At valleys and hips there shall be a valley or hip rafter not less than 2-inch
171 (51mm) nominal thickness and not less in depth than the cut end of the rafter.
172 Hip and valley rafters shall be supported at the ridge by a brace to a bearing
173 partition or be designed to carry and distribute the specific load at that point.
174 Where the roof pitch is less than three units vertical in twelve horizontal (25-
175 percent slope), structural members that support rafters and ceiling joists, such as
176 ridge beams, hips and valleys, shall be designed as beams.

177
178 (fu) Amend Section R802, Wood roof framing, subsection R802.11.1, Uplift
179 resistance, by adding the following exception:

180
181 *Exception:* The wind exposure category for the City of Springfield shall be wind
182 exposure category B.

183
184 (sv) Delete Chapter 11, Energy Efficiency, in its entirety and replace it with
185 the Chapter 11 provisions of the 2006 International Residential Building Code,
186 and add the following exceptions:

187
188 ~~*Exception:*~~ 1. The insulation requirement for floors shall not be required.

189
190 2. Replace 2006 International Residential Code, Table N1102.1 and
191 footnotes, with 2012 International Residential Code, Table N1102.1.1
192 (R402.1.1) and footnotes.

193
194 3. Replace 2006 International Residential Code, Table N1102.2 and
195 footnotes, with 2012 International Residential Code, Table N1102.1.3
196 (R402.1.3) and footnotes.

197
198 (tw) Amend Section M1301, General, subsection M1301.1.1, Flood-resistant
199 installation, as follows:

200
201 *M1301.1.1 Flood-resistant installation.* In areas prone to flooding, mechanical
202 appliances, equipment and systems shall be located or installed in accordance
203 with Section R323.1.5. at or above two feet above the base flood elevation as
204 defined in General Ordinance No. 5907. In no instance shall mechanical
205 systems, equipment and appliances be permitted to be located below the base
206 flood elevation plus one foot.

207
208 (x) Amend Section 1411, Heating and Cooling Equipment, by adding a new
209 subsection, M1411.3.4 Drain line maintenance, and M1411.7 Condensate
210 pumps, as follows:

211
212 *M1411.3.4 Drain line maintenance.* Condensate drain lines shall be configured
213 to permit clearing of blockages and performance of maintenance without
214 requiring the drain line to be cut.

215
216 M1411.7 Condensate pumps. Condensate pumps located in uninhabitable
217 spaces, such as attics and crawl spaces, shall be connected to the appliance or
218 equipment served such that when the pump fails, the appliance or equipment will
219 be prevented from operating. Pumps shall be installed in accordance with the
220 manufacturer's instructions.

221
222 (~~uy~~) Amend Section M1501, General, subsection M1501.1, Outdoor
223 discharge, by adding the following exception:

224
225 *Exception:* Toilet room exhaust fans shall be permitted to exhaust through the
226 soffit provided that:

227
228 1. The duct shall terminate at the soffit panel to an approved mechanical
229 louver or vent, and

230
231 2. The adjoining soffit space, for a distance of four feet on either side of
232 the exhaust duct penetration shall be of a solid non-vented material.

233
234 (~~z~~) Amend Section M1502, Clothes Dryer Exhaust, by adding a new
235 subsection, M1502.4.4.3 Dryer exhaust duct power ventilator, and M1502.4.8
236 Dryer exhaust duct power ventilators, as follows:

237
238 M1502.4.4.3 Dryer exhaust duct power ventilator. The maximum length of the
239 exhaust duct shall be determined in accordance with the manufacturer's
240 instruction for the dryer exhaust duct power ventilator.

241
242 M1502.4.8 Dryer exhaust duct power ventilators. Domestic dryer exhaust duct
243 power ventilators shall conform to UL 705 for use in dryer exhaust duct systems.
244 The dryer exhaust duct power ventilator shall be installed in accordance with the
245 manufacturer's instructions.

246
247 (~~vaa~~) Repeal Section P2902, Protection of potable water supply, subsection
248 P2902.5.3, Lawn irrigation systems, in its entirety and provide a new
249 subsection P2902.5.3, as follows:

250
251 *P2902.5.3 Lawn irrigation systems.* The potable water supply to lawn irrigation
252 systems shall be protected against backflow in accordance with the City Utilities
253 Backflow Prevention Requirements for Lawn Irrigation Systems, latest edition
254 thereto.

255
256 (~~wbb~~) Amend Section P2903, Water-supply system, subsection P2903.3.1,
257 Maximum pressure, as follows:

258
259 *P2903.3.1 Maximum pressure.* An approved water-pressure reducing valve
260 conforming to ASSE 1003 with strainer shall be installed on the domestic water

261 branch main or riser at the connection to the water-service pipe to reduce the
262 pressure in the building water distribution piping to 80 psi (552 kPa) static or less.

263
264 (~~xcc~~) Repeal Section P2904, Dwelling Unit Fire Sprinkler Systems, in its
265 entirety.

266
267 (~~ydd~~) Amend Chapter 29, Water Supply and Distribution, by adding a new
268 section P2909, as follows:

269
270 *P2909 Rainwater Harvesting system for non-potable interior and exterior uses.*

271
272 *P2909.1 Source.* Rainwater harvesting shall be from roofs only.

273
274 *P2909.2 System Design.* The design of the rainwater harvesting system shall be
275 based on design criteria as established by the Department of Building
276 Development Services. Alternate design concepts shall be reviewed on a case-
277 by-case basis.

278
279 *P2909.3* The distribution system from the tank to the fixture shall comply with this
280 Code and meet the labeling and marking standards found in Section 707.12.12.4
281 of the International Green Construction Code.

282
283 *P2909.4* The potable water supply serving the building shall be provided with an
284 accessible reduced pressure backflow prevention device.

285
286 (~~ee~~) Amend Section P3005, Drainage System, by adding a new subsection,
287 P3005.2.12 Building sewer and public sewer junction, as follows:

288
289 *P3005.2.12 Building sewer and public sewer junction. Connections to a public*
290 *sewer shall conform to Public Works Standard Drawing Details for Public*
291 *Improvements, including Standard Drawing Details SAN-24 and SAN-25,*
292 *included herewith.*

293
294 (~~zff~~) Amend Section P3111, Combination waste and vent system, subsection
295 P3111.1, type of fixtures, as follows:

296
297 *P3111.1 Type of fixtures.* A combination waste and vent system shall not serve
298 fixtures other than floor drains, standpipes, sinks, lavatories and drinking
299 fountains. A combination waste and vent system shall not receive the discharge
300 of a food waste grinder or kitchen sink.

301
302 (~~aagg~~) Amend Section P3114, Air admittance valves, by adding a new
303 subsection P3114.3.1, as follows:

304
305 *P3114.3.1 Limited Usage.* The use of air admittance valves shall be permitted
306 only in the remodel of existing buildings and shall not be permitted in new

307 buildings and building additions, except for island fixtures, unless prior approval
308 is granted by the authority having jurisdiction.

309
310 (~~bb~~hh) Amend Section P3302, Subsoil drains, by adding a new subsection
311 P3302.2, as follows:

312
313 *P3302.2.* All subsoil drains, sumps and pumping shall not be connected to the
314 building drain or building sewer.

315
316 (~~ee~~jj) Amend Section G2413, Pipe sizing, subsection G2413.6, Maximum
317 design operating pressure, as follows:

318
319 *G2413.6 Maximum design operating pressure.* Typical design operating pressure
320 shall be 0.25 psig. Design operating pressures from 0.5 psig through 2 psig shall
321 only be allowed in areas where the gas supplier has sufficient main-line delivery
322 pressure to assure adequate supply. The installer shall be responsible for
323 verifying the availability of elevated pressure.

324
325 *G2413.6.1* For design operating pressures of 2 psig or less, piping materials shall
326 be in conformance with Section 403 of the International Fuel Gas Code 2006 as
327 amended herein.

328
329 *G2413.6.2* Design operating pressures greater than 2 psig and less than 5 psig
330 shall only be allowed if the pipe material is welded steel pipe or Corrugated
331 Stainless Steel Tubing.

332
333 *G2413.6.3* Design operating pressures of 5 psig or greater shall only be allowed
334 if all of the following conditions are met:

- 335
- 336 1. The connected load is 1000 CFH or greater and the facility has
337 connected equipment that requires higher pressures for proper operation.
 - 338
 - 339 2. The installation is approved by the Code Official and the gas supplier.
 - 340
 - 341 3. The piping system is welded steel pipe.
 - 342
 - 343 4. Adequate pressure is available from the gas supplier.
 - 344
 - 345 5. All connected equipment is provided with regulators rated for the
346 pressure provided.

347
348 *G2413.6.4* Liquefied petroleum gas systems. The operating pressure for
349 undiluted LP-Gas systems shall not exceed 20 psig (140 kPa gauge). Buildings
350 having systems designed to operate below -5°F (-21°C) or with butane or a
351 propane-butane mix shall be designed to either accommodate liquid LP-Gas or
352 prevent LP-Gas vapor from condensing into a liquid.

353
354 (ddjj) Repeal Section G2414, Piping materials, subsection G2414.5.2, Copper
355 Tubing, in its entirety.

356
357 (eekk) Amend Section G2415, Piping system installation, by adding new
358 subsections G2415.5.1, G2415.20, and G2415.21 as follows:

359
360 *G2415.5.1 Corrugated Stainless Steel Tubing (CSST) Physical damage*
361 *protection.* All CSST piping located within a wall cavity shall be protected by
362 installing the CSST inside a metal sleeve made of Schedule 40 steel pipe or
363 floppy galvanized steel conduit as provided by the CSST manufacturer.

364
365 *G2415.20 Location at gas meter.* All gas piping at the meter location shall
366 terminate at a point no greater than ten feet from the corner of the structure
367 closest to the city gas main.

368
369 *G2415.21 Corrugated Stainless Steel Tubing (CSST) at the meter locations.* All
370 CSST piping shall terminate utilizing the pipe manufacturer's approved meter
371 termination fitting securely anchored to the structure in such a manner to properly
372 support the meter. No CSST fitting connections shall be concealed within the
373 structure at the meter location.

374
375 (ffll) Amend Section G2416, Piping Support, by adding subsection G2416.4,
376 as follows:

377
378 *G2416.4 Corrugated Stainless Steel Tubing (CSST).* The minimum bending
379 radius for CSST shall be as follows:

380
381 Pipe size 3/8, 1/2 and 3/4 inch diameter - minimum radius 3 inches
382 Pipe size 1, 1 1/4 and 1 1/2 inch diameter - minimum radius 5 inches
383 Pipe size 2 inches and larger - minimum radius 6 inches

384
385 (ggmm) Amend Section G2417, Inspection, testing and purging,
386 subsection G2417.4.1, Test pressure, as follows:

387
388 *G2417.4.1 Test pressure and duration.* The test on all gas piping designed as a 2
389 PSIG or less system shall be 20 PSIG with a 15-minute duration. The test on all
390 gas piping designed above 2 PSIG shall be 20 PSIG with a 120-minute duration.

391
392 (hhnn) Repeal Section G2417, Inspection, testing and purging, subsection
393 G2417.4.2, Test duration, in its entirety.

394
395 (iioo) Amend Section G2418, Piping Support, by adding new subsection
396 G2418.3, as follows:

397

398 *G2418.3 Corrugated Stainless Steel Tubing (CSST)*. All CSST greater than 16
399 inches in length and run horizontally shall be continuously supported and shall be
400 attached to the continuous support member at intervals not to exceed six feet on
401 center.

402
403 (~~jjpp~~) Amend Section G2420, Gas shutoff valves, by adding new subsection
404 G2420.1.4, as follows:

405
406 *G2420.1.4 Shutoff valve support*. All shutoff valves shall be supported in such a
407 manner as to prevent movement of the valve body when the valve is operated.
408 Connection of the valve to a section of iron pipe either immediately upstream or
409 downstream of the valve shall be considered an acceptable support.

410
411
412 (~~kkqq~~) Amend Section E3402, Building structure protection, by adding new
413 subsection E3402.4, as follows:

414
415 *E3402.4 Clearance Requirements*. All buildings and structures are required to
416 meet clearance requirements from all wires, conductors, cables and rigid live
417 parts as stipulated in the National Electric Safety Code (NESC), latest edition, or
418 as dictated by the utility service provider. In case of a conflict between the two
419 agencies, the more stringent shall apply.

420
421 (~~llrr~~) Amend Section E3601, General services, by adding new subsection
422 E3601.8, Residential Service Upgrades, as follows:

423
424 *E3601.8 Residential Service Upgrades*.

425
426 1. All structures used for residential purposes, requiring a service upgrade
427 or modification, shall mandate the following electrical system
428 improvements.

429
430 a. GFI receptacles in the kitchen(s) and bathroom(s) shall be
431 installed if outlets are in existence at the time of the service upgrade.

432
433 b. Approved hard-wired, dual-powered, interconnected smoke
434 detectors shall be installed and located as per the adopted building
435 code.

436
437 c. The kitchen shall be provided with a minimum of two grounded
438 small appliance branch circuits.

439
440 d. Carbon monoxide detectors shall be installed in accordance with
441 R315.1 where the structure has an attached garage or has fuel fired
442 appliances.

443

444 de. All apparent hazards shall be corrected.

445

446 2. If a fire occurs, or other similar incident that damages any part of the
447 electrical system within a residential structure, in addition to all damaged
448 systems being repaired, it is mandated that all apparent hazards within the
449 structure be corrected. Hard-wired, dual-powered, interconnected smoke
450 detectors shall be installed and located as per the adopted building codes.
451 If the service portion of the electrical system is damaged or upgraded as a
452 result of a fire or other incident, it shall require that all items listed in
453 paragraph E(1) of this section shall be provided.

454

455 3. A total or partial upgrade of the electrical system may be required, if in
456 the opinion of the Code Official, or his designee, the condition of the
457 existing electrical system constitutes a potential threat to the safety and
458 welfare of current or future occupants.

459

460 (~~mmss~~) Amend Section E3901, Receptacle Outlets, by adding new
461 subsection E3901.9.1, as follows:

462

463 *3901.9.1 Basement finish requirements.* Where a portion of the basement is
464 finished into one or more habitable rooms, each separate unfinished portion shall
465 have a receptacle outlet installed in accordance with this section. When interior
466 walls for separate rooms are framed, these areas shall be considered as finished
467 areas and shall be provided with the required branch circuits as required by
468 Article 210, and any required smoke detectors. All wiring shall be protected from
469 physical damage by the wall framing or the wall shall be covered with sheetrock
470 on at least one side.

471

472 (~~nnnt~~) Amend Section E3902, Ground-fault and arc-fault circuit-interrupter
473 protection, subsection E3902.2, Garage and accessory building receptacles,
474 as follows:

475

476 *E3902.2 Garage and accessory building receptacles.* All 125-volt, single phase,
477 15- or 20- ampere receptacles installed in garages and grade-level portions of
478 unfinished accessory buildings used for storage or work areas shall have ground-
479 fault circuit-interrupter protection for personnel.

480

481 *Exception:* The receptacle adjacent to and used solely for the purpose of
482 providing power for the garage door opener does not have to be GFCI-protected.

483

484 (~~oouu~~) Amend Section E3902, Ground-fault and arc-fault circuit-interrupter
485 protection, subsection E3902.12, Arc-fault circuit-interrupter protection, as
486 follows:

487

488 *E3902.12 Arc-fault circuit-interrupter protection.* All branch circuits that supply
489 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms, shall be

490 protected by a combination- type arc-fault circuit interrupter installed to provide
491 protection of the branch circuit.

492
493 (~~ppvv~~) Repeal Section E4002, Receptacles, subsection E4002.14, Tamper-
494 resistant receptacles, in its entirety.

495
496 (~~qq~~) ~~The following Appendices shall, by adoption of the 2012 International~~
497 ~~Residential Building Code, be considered as part of this Code:~~

498
499 ~~Appendix A, Sizing and Capacities of Gas Piping~~

500
501 ~~Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft~~
502 ~~Hoods, Category-I Appliances, and Appliances Listed for use with Type B Vents~~

503
504 ~~Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems~~

505
506 ~~Appendix D, Recommended Procedure for Safety Inspection of an Existing~~
507 ~~Appliance Installation~~

508
509 ~~Appendix G, Swimming Pools, Spas, and Hot Tubs~~

510
511 ~~Appendix H, Patio Covers~~

512
513 ~~Appendix I, Private Sewage Disposal~~

514
515 ~~Appendix J, Existing Buildings and Structures~~

516
517 ~~Appendix P, Sizing of Water Piping System~~

518
519 ~~Appendix Q, ICC/NEC Code Cross Reference~~

520
521 Section 2 – Savings Clause. Nothing in this ordinance shall be construed to
522 affect any suit or proceeding now pending in any court or any rights acquired or liability
523 incurred nor any cause or causes of action accrued or existing, under any act or
524 ordinance repealed hereby, or shall any right or remedy of any character be lost,
525 impaired, or affected by this ordinance.

526
527 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
528 phrase of this ordinance is for any reason held to be invalid, such decision shall not
529 affect the validity of the remaining portions of this ordinance. The Council hereby
530 declares that it would have adopted the ordinance and each section, subsection,
531 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
532 sections, subsections, sentences, clauses, or phrases be declared invalid.

533
534 Section 4 – This ordinance shall be in full force and effect from and after
535 February 1, 2016

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553

Passed at meeting: _____

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. 2016-013

FILED: 01-05-16

ORIGINATING DEPARTMENT: BUILDING DEVELOPMENT SERVICES

PURPOSE: To amend and add certain sections of Chapter 36 of the Springfield City Code, known as the Land Development Code, Article XIII, Residential Code, Division 2 – Deletions, Modifications, Amendments, and Additions to the Residential Building Code, Section 36-1302 by amending certain subsections and enacting new subsections related to the same subject.

BACKGROUND AND REMARKS: With the adoption of the 2012 International Residential Code, staff and the development community determined that it would be in the best interest of the community to change from a 3 year cycle on new code adoption to a 6 year cycle. The international codes are revised and published every 3 years. It was also agreed that the “off year publication” (2015 edition) would be reviewed for any possible amendments to the 2012 edition currently adopted by the City of Springfield. The proposed amendments are based on a review of the 2015 edition. The proposed amendments provide improved language and design provisions that will benefit citizens and the development community.

As a part of the code review Council Bill number 2014-223, resolution number 10172 dealing with window fall protection was reviewed in depth by staff and various parties from the community. It was recognized that the codes adopted since 2006 address this issue. It was determined that a better approach will be an education program supported by all parties having involvement with residential development.

The proposed amendments were placed on the City website for review by the members of the Home Builders Association, Springfield Contractors Association, Missouri Society of Professional Engineers, the local chapter of the American Institute of Architects, and the Development Issues Input Group. The City has received no objections to the proposed amendments.

Submitted by:



Building Development Services

Approved by:



City Manager

One-rdg. _____
P. Hrg. _____
Pgs. 6
Filed: 01-05-16

Sponsored by: Fulnecky

First Reading: _____

Second Reading _____

COUNCIL BILL NO. 2016- 014

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, known as the Land
2 Development Code, Article VI, Electrical Code, Division 2 – Deletions,
3 Modifications, Amendments and Additions to the Electric Code, Section
4 36-612 by amending certain subsections and enacting a new subsection
5 related to the same subject.
6
7

8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
9 MISSOURI, as follows, that:

10
11 Section 1 – Chapter 36 of the Springfield City Code, known as the Land
12 Development Code, Article VI, Electric Code, Division 2 – Deletions, Modifications,
13 Amendments, and Additions, to the Electric Code is hereby amended as follows:
14

15 Note: Underlined language is to be added. ~~Stricken~~ language is to be removed.

16
17 Sec. 36-612. - Deletions, modifications, amendments, and additions to the electrical
18 code.

19
20 NFPA 70, 2011 National Electrical Code (hereafter referred to as the NEC), as
21 adopted, is hereby amended and changed as follows:

22 *****

23
24
25 (b) Amend Article 100, Definitions, by adding the following definitions:

26
27 *Service Repair.* The repair or replacement of a device or element of the service
28 with a new device or element of the service, provided the repair or replacement
29 material is of the same size or ampacity as the original.

30
31 *Service Upgrade.* Any service work which cannot be defined as a service repair.
32

33 (c) Amend Article 110.24, Available Fault Current subsection (B)
34 Modifications, as follows:

35
36 (B) Modifications. When the modifications to the electrical installation occur
37 that affect the maximum available fault current at the service, the maximum
38 available fault current shall be verified or recalculated as necessary to ensure
39 the equipment service ratings are sufficient for the maximum available fault
40 current at the line terminals of the equipment. The required field marking(s) in
41 110.24(A) shall be adjusted to reflect the new level of maximum available
42 fault current.

43
44 Exception No. 1: The field marking requirements in 110.24(A) and 110.24(B)
45 shall not be required in industrial installations where conditions of
46 maintenance and supervision ensure that only qualified persons service the
47 equipment.

48
49 Exception No 2: The field marking required in 110.24(A) and 110.24(B) shall
50 not be required where the following conditions exist:

51
52 (1) The overhead service-entrance conductor does not exceed one 3/0
53 copper, one 4/0 aluminum per phase or equivalent parallel provided in
54 310.10(H) for a 200 amp single phase or smaller service.

55
56 (2) The service lateral consists of one #3 copper, one #2 aluminum or
57 smaller conductor per phase with a 100 amp single phase main
58 overcurrent protective device or smaller.

59
60 (3) The main service disconnect shall be labeled with a label that has
61 sufficient durability to withstand the environment involved stating that the
62 Available Fault Current is less than 10,000 amps.

63
64 Exception No 3: The Authority Having Jurisdiction may require field marking
65 as per 110.24(A) and 110.24(B) if felt that the fault current may be higher than
66 10,000 due to conductor length or transformer size.

67
68 (ed) Amend Article 210, Branch Circuits, Section 210.8, Ground-Fault
69 Circuit-Interrupter Protection for Personnel, subsection (A)(2), as follows:

70
71 (2) Garages and also accessory buildings that have a floor located at or
72 below grade level not intended as habitable rooms and limited to storage
73 areas, work areas and areas of similar use.

74
75 Exception: The receptacle adjacent to and used solely for the purpose of
76 providing power for the garage door opener does not have to be GFCI protected.
77

78 (de) Amend Article 210, Branch Circuits, Section 210.12, Ground-Fault
79 Circuit-Interrupter Protection for Personnel, subsection (A), Dwelling Units, as
80 follows:

81
82 (A) *Dwelling Units.* All 120-volt, single phase, 15- and 20-ampere branch
83 circuits supplying outlets installed in a dwelling unit bedroom shall be
84 protected by a listed arc-fault circuit interrupter combination-type, installed
85 to provide protection of the branch circuit.

86 (All fine print notes and exceptions shall remain as written.)
87

88 (ef) Amend Article 210, Branch Circuits, Section 210.52 Dwelling Unit
89 Receptacle Outlets, subsection (G)(2), as follows:

90
91 (2) Where a portion of the basement is finished into one or more habitable
92 rooms, each separate unfinished portion shall have a receptacle outlet
93 installed in accordance with this section. When interior walls for separate
94 rooms are framed, these areas shall be considered as finished areas and
95 shall be provided with the required branch circuits as required by Article
96 210, and any required smoke detectors. All wiring shall be protected from
97 physical damage by the wall framing or the wall shall be covered with
98 sheetrock applied to at least one side of the wall.
99

100 (fg) Amend Article 230, Services, by adding a new subsection (F) to Section
101 230.2, General, as follows:

102 ~~(F)~~-*Residential Service Upgrades.*

103
104
105 (1) In all structures used for residential purposes, a service upgrade
106 or modification shall mandate the following electrical system
107 improvements.

108
109 a. GFI receptacles in the kitchen(s) and bathroom(s) shall be
110 installed if outlets are in existence at the time of the service upgrade.

111
112 b. Approved hard-wired, dual-powered, interconnected smoke
113 alarms shall be installed and located as per the adopted building
114 code.

115
116 c. The kitchen shall be provided with a minimum of two (grounded
117 small appliance branch circuits.

118
119 d. All apparent hazards shall be corrected.
120

121 (2) If a fire occurs, or other similar incident that damages any part of
122 the electrical system within a residential structure, in addition to all
123 damaged systems being repaired, it is mandated that all apparent

124 hazards within the structure be corrected. Hard-wired, dual-powered,
125 interconnected smoke detectors shall be installed and located as per
126 the adopted building codes. If the service portion of the electrical system
127 is damaged or upgraded as a result of a fire or other incident, it shall
128 require that all items listed in paragraph F(1) of this section shall be
129 provided.

130
131 (3) A total or partial upgrade of the electrical system may be
132 required, if in the opinion of the Code Official, or his designee, the
133 condition of the existing electrical system constitutes a potential threat
134 to the safety and welfare of current or future occupants.

135
136 (gh) Amend Article 230, Services, Section 230.70, General, subsection
137 (A)(1), as follows:

138
139 (1) *Readily Accessible Location.* The service disconnecting means shall be
140 installed at a readily accessible location either outside of a building or
141 structure or inside nearest the point of entrance to the service conductors.
142 The maximum length of conduit between the meter back and service
143 disconnect shall not exceed 36 inches, unless authorized by the authority
144 having jurisdiction prior to installation.

145
146 (hi) Amend Article 230, Services, Section 230.72, Grouping of Disconnects,
147 subsection (A), as follows:

148
149 (A) *General.* The two to six disconnects as permitted in 230.71 shall be
150 grouped. Each disconnect shall be marked to indicate the load served. The
151 word "grouped" shall be defined as being within two feet of each other and
152 on the same wall with no intervening obstructions which exceed eight
153 inches in depth from the wall surface, unless authorized by the authority
154 having jurisdiction prior to installation. Each disconnect shall be marked to
155 indicate the load served.

156
157 (Editor's note: The exception listed under Article 230.72 (A) shall remain
158 unchanged.)

159
160 (ij) Repeal Article 406, Receptacles, Cord Connectors, and Attachment
161 Plugs (Caps), Section 406.2, Definition, Child Care Facility, in its entirety.

162
163 (jk) Repeal Article 406, Receptacles, Cord Connectors, and Attachment
164 Plugs (Caps), Section 406.12, Tamper-Resistant Receptacles in Dwelling
165 Units, in its entirety.

166
167 (kl) Repeal Article 406, Receptacles, Cord Connectors, and Attachment
168 Plugs (Caps), Section 406.13, Tamper-Resistant Receptacles in Guest Rooms
169 and Guest Suites, in its entirety.

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(~~lm~~) Amend Article 406, Receptacles, Cord Connectors, and Attachment Plugs (Caps), Section 406.14, Tamper-Resistant Receptacles in Child Care Facilities, as follows:

In all Child Care facilities, as defined in General Ordinance No. 3642 of the City of Springfield addressing Child Day Care, Day Care Centers, Hourly Care Centers, Pre-schools, Nursery Schools, all 125-volt, 15- and 20-amp nonlocking-type receptacles shall be listed tamper-resistant receptacles.

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

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

Section 4 – This ordinance shall be in full force and effect from and after February 1, 2016.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Duke McDonald, Assistant City Attorney

Approved for Council Action: Greg Burns, City Manager

EXPLANATION TO COUNCIL BILL NO. 2016- 014

FILED: 01-05-16

ORIGINATING DEPARTMENT: BUILDING DEVELOPMENT SERVICES

PURPOSE: To amend and add certain sections of Chapter 36 of the Springfield City Code, known as the Land Development Code, Article VI, Electrical Code, Division 2 – Deletions, Modifications, Amendments and Additions to the Electric Code, Section 36-612 by amending certain subsections and enacting a new subsection related to the same subject.

BACKGROUND AND REMARKS: With the adoption of the 2011 National Electrical Code, staff and the development community determined that it would be in the best interest of the community to change from a 3 year cycle on new code adoption to a 6 year cycle. The international codes are revised and published every 3 years. It was also agreed that the “off year publication” (2014 edition) would be reviewed for possible amendments to the 2011 edition currently adopted by the City of Springfield. The proposed amendments are based on a review of the 2014 edition. The proposed amendments provide improved language and design provisions that will benefit citizens and the development community.

The proposed amendments were placed on the City website for review by the members of the Home Builders Association, Springfield Contractors Association, Missouri Society of Professional Engineers, the local chapter of the American Institute of Architects, and the Development Issues Input Group. The City has received no objections to the proposed amendments.

Submitted by:



Building Development Services

Approved by:



City Manager

Emer. _____
P. Hrngs. _____
Pgs. 10
Filed: 01-05-16

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 015

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to execute a Preliminary
2 Funding Agreement between the City of Springfield, Missouri (City)
3 and Kraft Heinz Foods Company (Kraft Heinz), authorizing the
4 execution of documents and the taking of actions consistent
5 therewith, and amending the budget provided for the Department of
6 Planning and Development for Fiscal Year 2015-2016, in the
7 amount of \$40,000.
8
9

10 WHEREAS, the City of Springfield, Missouri received an application from Kraft
11 Heinz for the use of incentives under the provisions of Sections 100.010 to 100.200 of
12 the Missouri Revised Statutes, as amended (the "Act"); and
13

14 WHEREAS, the City desires to retain certain consultants to assist it in evaluating
15 the application and to prepare certain documents in connection therewith; and
16

17 WHEREAS, the City does not have a source of funds to finance costs to retain
18 such consultants, and Kraft Heinz (together with its successors or assigns, the
19 "Applicant") has agreed to deposit funds with the City for that purpose; and
20

21 WHEREAS, the City and the Applicant desire to enter into a Preliminary Funding
22 Agreement to establish the terms of such deposit of funds; and
23

24 WHEREAS, an amendment to the budget for the Department of Planning and
25 Development for Fiscal Year 2015-2016 has been approved and recommended by the
26 City Manager.
27

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

31 Section 1 – The City Manager, or his designee, is hereby authorized to execute
32 the Preliminary Funding Agreement with Kraft Heinz Foods Company, said agreement
33 to be substantially in the form and content as that document attached hereto and

34 incorporated herein by reference as “Exhibit A.”

35

36 Section 2 – The City Manager, City Clerk, and other appropriate officers of the
37 City are hereby authorized and directed to execute, attest, acknowledge, and deliver for
38 and on behalf of, and as the act and deed of the City, the Preliminary Funding
39 Agreement and such other documents, certificates, and instruments as may be
40 necessary or desirable to carry out and comply with the intent of this ordinance.

41

42 Section 3 – The officers, agents, and employees of the City, including the City
43 Manager and City Clerk shall be, and they hereby are, authorized and directed to
44 execute all documents and take such actions as they may deem necessary or advisable
45 in order to carry out and perform the purposes of this ordinance, and to carry out,
46 comply with, and perform the duties of the City with respect to the Preliminary Funding
47 Agreement, to make alterations, changes, or additions thereto, and any other
48 agreements, statements, instruments, and other documents herein approved,
49 authorized, and confirmed which they may approve, and the execution of such
50 documents or taking of such action shall be conclusive evidence of such necessity or
51 advisability.

52

53 Section 4 – The budget for Fiscal Year 2015-2016 of the Department of Planning
54 and Development is hereby amended in the accounts and in the amounts as shown on
55 Budget Adjustment No. 0030, a copy of which is attached hereto and incorporated
56 herein by reference as “Exhibit B.”

57

58 Section 5 – The City Council hereby finds that the budget adjustment made
59 above has been recommended by the City Manager.

60

61 Section 6 – The City Manager is directed to cause the appropriate accounting
62 entries to be made in the books and records of the City.

63

64 Section 7 – The sections of this ordinance shall be severable. In the event
65 any section of this ordinance is found by a court of competent jurisdiction to be invalid,
66 the remaining sections of this ordinance shall be deemed valid, unless the court finds
67 the valid sections of this ordinance are so essentially and inseparably connected with,
68 and so dependent upon the void sections, that it cannot be presumed that the City
69 Council would have enacted the valid sections without those deemed invalid; or unless
70 the court finds that the valid sections, standing alone, are incomplete and are incapable
71 of being executed in accordance with the legislative intent.

72

73 Section 8 – This ordinance shall be in full force and effect from and after
74 passage.

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76 Passed at meeting: _____

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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: *Achalot Wudu*, Assistant City Attorney

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

EXPLANATION TO COUNCIL BILL NO: 2016- 015

FILED: 01-05-16

ORIGINATING DEPARTMENT: Planning and Development

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

BACKGROUND INFORMATION: Chapter 100 bonds provide partial personal property tax abatement on equipment purchases. Chapter 100 bonds are not an obligation of the City of Springfield.

In 2012, the City authorized issuance of up to \$26 million in Industrial Development Revenue ("Chapter 100") bonds for the purchase of equipment for the Springfield Plant of Kraft Foods Group, Inc. (now Kraft Heinz Foods Group). This equipment, with approximate total investment of \$49 million, is in use in the Springfield Plant.

REMARKS: Kraft Heinz is exploring the possibility of another expansion in Springfield and has requested to enter into a Preliminary Funding Agreement by which the City will retain Gilmore & Bell, P.C. to begin preparing the necessary documents for another possible Chapter 100 bond issuance, and Kraft Heinz will pay for the costs of preparing of the documents.

Approval of this funding agreement does not approve the issuance of bonds or any other document other than the funding agreement. The funding agreement expressly provides in paragraph 8 that all future approvals are subject to legislative discretion.

The preliminary funding agreement requires that the company deposit an initial \$10,000 with the City, with further deposits of \$10,000 and \$20,000 at various stages of the process. A budget adjustment is needed to appropriate the funds "Exhibit B."

Supports the following Field Guide 2030 goal(s): Chapter 3, Economic Development; Major Goal 2, Aggressively use Economic Development Incentives to encourage investment in the community and to encourage job creation and retention; Objective 2b, Continue to explore creative and flexible methods to attract and retain jobs and business investment in the community.

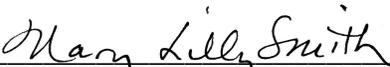
Staff recommends approval.

Submitted by:



Sarah Kerner, Interim Director of
Economic Development

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

PRELIMINARY FUNDING AGREEMENT

This **PRELIMINARY FUNDING AGREEMENT** (“Agreement”) is entered into this _____ day of _____, 2016, between the **CITY OF SPRINGFIELD, MISSOURI** (the “City”), and **KRAFT HEINZ FOOD COMPANY**, a _____ corporation (together with its successors or assigns the “Developer”).

RECITALS

WHEREAS, the City is a constitutional charter city incorporated and exercising governmental functions and powers pursuant to its charter and the Constitution and the Revised Statutes of the State of Missouri; and

WHEREAS, the Developer is a _____ corporation and is authorized to conduct business in the State of Missouri; and

WHEREAS, the City has been requested by the Developer to consider an application (the “Application”) for the City to issue a series of bonds (the “Bonds”) in the approximate amount of \$36,000,000 for the purpose of financing a project for industrial development under the provisions of Sections 100.010 to 100.200 of the Revised Statutes of Missouri (the “Act”); and

WHEREAS, if the Application is approved by the City, the City may be requested to provide such other services and assistance as may be required to implement and administer the Application through its completion; and

WHEREAS, the City does not have a source of funds to finance costs incurred for additional legal, financial and other consultants or for direct out-of-pocket expenses and other costs resulting from activities necessary to review, evaluate, process and consider the Application; and

WHEREAS, it is the City’s policy that a Developer who desires assistance from the City in a public-private partnership or through the use of economic incentive tools shall demonstrate the financial ability to allow for the full and fair evaluation by the City of all development proposals and requests for economic incentives from the City; and

WHEREAS, in order for the City to fully consider and evaluate the Application, the Developer seeks to deposit funds with the City to be used by the City to pay for actual out-of-pocket expenses necessary to perform a full evaluation of the Application and engage consultants as needed for such evaluation.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Services to be Performed by Gilmore & Bell, P.C. on Behalf of the City.**

Gilmore & Bell, P.C., on behalf of the City shall:

- A. Prepare a proposed plan for industrial development conforming with the Act (the “Plan”);
- B. Prepare a bond ordinance (the “Ordinance”) and resolution of intent (the “Resolution of Intent”) for consideration by the City Council of the City; and

C. Prepare a bond trust indenture (the “Indenture”), lease-purchase agreement (the “Lease Agreement”) and PILOT Agreement (the “PILOT Agreement”) for the transaction.

2. **Expenses.** The cost of preparing the Chapter 100 Plan and the cost-benefit analysis and preparing the Resolution of Intent will be \$10,000 which amount is due upon the later of the adoption of the Resolution of Intent or the execution of both parties of this Agreement (the “Deposit”). An additional \$10,000 would be due upon the distribution by Gilmore & Bell, P.C. of the initial drafts of the Ordinance, Indenture and Lease Agreement, and a further additional amount of \$20,000 would be due at the time the Bond issue is closed (collectively, the “Additional Funds”).

3. **Additional Funding.**

A. The City shall submit statements to the Developer for the amounts due as set forth under **Section 2**. The Developer shall pay the City the amounts set forth on such statements within ten (10) days of receipt thereof, provided that the final \$20,000 payment shall be paid concurrently with the closing of the Bonds. If such funds are not so received, the unpaid balance shall be subject to a penalty of two percent (2%) per month until paid, but in no event shall such penalty exceed twenty-four percent (24%) per annum, and City shall be relieved of any and all obligations hereunder until paid or may terminate this Agreement pursuant to **Section 6**. Developer shall supply the Deposit and Additional Funds in a timely manner so that City activities may continue without interruption.

B. The City and the Developer agree that the expenses incurred hereunder will be related to the City retaining Gilmore & Bell, P.C., for special legal counsel and bond counsel services. The parties agree that Gilmore & Bell, P.C. will represent only the City in the transaction and that an attorney-client relationship will exist between Gilmore & Bell, P.C. and the City.

4. **Disbursement of Funds.** The City shall disburse the Deposit and Additional Funds for payment in accordance with its normal procedures.

5. **Further Administration and Expenses.** The documents authorizing the issuance of the Bonds are anticipated to commit the Developer to payment of certain ongoing fees and expenses as shall be set forth therein.

6. **Termination.**

A. In the event the Developer fails to perform any of its obligations herein, the City may terminate this Agreement, and any other agreement between the parties, at its sole discretion if the Developer fails to cure the default within ten (10) days after written notice to the Developer of the default. Termination by the City shall also terminate any duties and obligations of the City with respect to this Agreement, including, but not limited to, the City’s processing of Developer’s Application and preparation, review and processing of the Documents. Upon such termination, the City shall retain the Deposit and Additional Funds, if any, necessary to pay or reimburse the City for all expenses incurred under this Agreement to the date of termination.

B. The parties hereto acknowledge that the Developer may determine to abandon the Application. Upon written notice of abandonment by the Developer, this Agreement shall terminate and the City may terminate any other agreement between the parties and shall retain the Deposit and Additional Funds, if any, necessary to reimburse the City for all expenses incurred under this Agreement to the date of termination and any monies due and owing to the City pursuant to any other agreement.

C. Upon termination of this Agreement, in the event the Deposit and Additional Funds are insufficient to reimburse the City for the outstanding expenses of the City payable hereunder, the Developer shall reimburse the City as set forth in **Section 3**. After termination of this Agreement, any amounts remaining from the Deposit and the Additional Funds after all amounts have either been paid as directed by, or reimbursed to, the City shall be returned to the Developer.

D. This Agreement may be terminated by mutual agreement of the City and the Developer by mutual written consent to be executed after the Application is approved.

7. **Notice.** Any notice, approval, request or consent required by or asked to be given under this Agreement shall be deemed to be given if in writing and mailed by United States mail, postage prepaid, or delivered by hand, and addressed as follows:

To the City:

City of Springfield, Missouri
840 Boonville
Springfield, Missouri 65801
Attn: City Attorney

With a copy to:

Rick McConnell
Gilmore & Bell, P.C., Suite 1100
2405 Grand Blvd.
Kansas City, Missouri 64108

To the Developer:

Attn: _____

With a copy to:

Each party may specify that notice be addressed to any other person or address by giving to the other party ten (10) days prior written notice thereof.

8. **City Requirements and Prior Approval.** The Developer agrees to comply with all applicable laws and City ordinances, including, but not limited to, the City's zoning ordinances, subdivision regulations and all planning or infrastructure requirements related to the development of Developer's property. The parties agree that execution of this Agreement in no way constitutes a waiver of any requirements of applicable City ordinances or policies with which the Developer must comply and does not in any way constitute prior approval of any future proposal for development, including the Application. The parties understand that the City may not lawfully contract away its police powers and that approval of the Application and any zoning, subdivision and similar development applications cannot be contractually guaranteed. This Agreement does not alter or diminish the City's ability to exercise its legislative discretion to consider the Application in accordance with the Act and all applicable laws any other applications with respect to development of Developer's property.

The parties hereto have caused this Agreement to be executed by their duly authorized representatives the day and year first above written.

CITY OF SPRINGFIELD, MISSOURI

By: _____
Greg Burris, City Manager

(SEAL)

ATTEST:

City Clerk

KRAFT HEINZ FOOD COMPANY

By: _____

Name: _____

Title: _____

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

BA Number 0030

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	17	60210	414110	101028	00000	40,000.00	Reimbursements from Kraft
Net Revenue Adjustment						40,000.00	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	17	60210	504580	101028	00000	40,000.00	Other Professional Services
Net Expenditure Adjustment						40,000.00	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: This budget adjustment is for a funding agreement between the City of Springfield and Kraft.

Requested By:

Mary Lill Smith 1/6/16
Department Head Date

Approved By:

Mary Mann Decker 1/6/16
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2016-015
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

Emer. _____
P. Hrngs. _____
Pgs. 10
Filed: 01-05-16

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 016

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to execute a Preliminary Funding
2 Agreement between the the City of Springfield, Missouri (City) and
3 Kraft Heinz Foods Company (Kraft Heinz), authorizing the execution
4 of documents and the taking of actions consistent therewith, and
5 amending the budget provided for the Department of Planning and
6 Development for Fiscal Year 2015-2016, in the amount of \$7,500.
7
8

9 WHEREAS, the City received an application from Kraft Heinz for the use of
10 incentives under the provisions of Sections 100.010 to 100.200 of the Missouri Revised
11 Statutes, as amended (the "Act"); and
12

13 WHEREAS, Kraft Heinz desires to amend its Chapter 100 Plan to reflect the true
14 cost of purchases made under the Plan, which will reduce its PILOT payments which
15 are based on equipment cost.
16

17 WHEREAS, the City desires to retain certain consultants to assist it in evaluating
18 the application and to prepare certain documents in connection therewith; and
19

20 WHEREAS, the City does not have a source of funds to finance costs to retain
21 such consultants, and Kraft Heinz, (together with its successors or assigns, the
22 "Applicant") has agreed to deposit funds with the City for that purpose; and
23

24 WHEREAS, the City and the Applicant desire to enter into a Preliminary Funding
25 Agreement to establish the terms of such deposit of funds; and
26

27 WHEREAS, an amendment to the budget for the Department of Planning and
28 Development for Fiscal Year 2015-2016 has been approved and recommended by the
29 City Manager.
30

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

34 Section 1 – The City Manager, or his designee, is hereby authorized to execute
35 the Preliminary Funding Agreement with Kraft Heinz, said agreement to be substantially

36 in the form and content as that document attached hereto and incorporated herein by
37 reference as "Exhibit A."

38
39 Section 2 – The City Manager, City Clerk, and other appropriate officers of the
40 City are hereby authorized and directed to execute, attest, acknowledge, and deliver for
41 and on behalf of, and as the act and deed of the City, the Preliminary Funding
42 Agreement and such other documents, certificates, and instruments as may be
43 necessary or desirable to carry out and comply with the intent of this ordinance.
44

45 Section 3 – The officers, agents, and employees of the City, including the City
46 Manager and City Clerk shall be, and they hereby are, authorized and directed to
47 execute all documents and take such actions as they may deem necessary or advisable
48 in order to carry out and perform the purposes of this ordinance, and to carry out,
49 comply with, and perform the duties of the City with respect to the Preliminary Funding
50 Agreement, to make alterations, changes, or additions thereto, and any other
51 agreements, statements, instruments, and other documents herein approved,
52 authorized, and confirmed which they may approve, and the execution of such
53 documents or taking of such action shall be conclusive evidence of such necessity or
54 advisability.
55

56 Section 4 – The Department of Planning and Development budget for Fiscal Year
57 2015-2016 is hereby amended in the accounts and in the amounts as shown on Budget
58 Adjustment No. 0031, a copy of which is attached hereto and incorporated herein by
59 reference as "Exhibit B."
60

61 Section 5 – The City Council hereby finds that the budget adjustment made
62 above has been recommended by the City Manager.
63

64 Section 6 – The City Manager is directed to cause the appropriate accounting
65 entries to be made in the books and records of the City.
66

67 Section 7 – The sections of this ordinance shall be severable. In the event
68 any section of this ordinance is found by a court of competent jurisdiction to be invalid,
69 the remaining sections of this ordinance shall be deemed valid, unless the court finds
70 the valid sections of this ordinance are so essentially and inseparably connected with,
71 and so dependent upon the void sections, that it cannot be presumed that the City
72 Council would have enacted the valid sections without those deemed invalid; or unless
73 the court finds that the valid sections, standing alone, are incomplete and are incapable
74 of being executed in accordance with the legislative intent.
75

76 Section 8 – This ordinance shall be in full force and effect from and after
77 passage.
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79 Passed at meeting: _____
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

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

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

EXPLANATION TO COUNCIL BILL NO: 2016- 016

FILED: 01-05-16

ORIGINATING DEPARTMENT: Planning and Development

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

BACKGROUND INFORMATION: Chapter 100 bonds provide partial personal property tax abatement on equipment purchases. Chapter 100 bonds are not an obligation of the City of Springfield.

In 2012, the City authorized issuance of up to \$26 million in Industrial Development Revenue ("Chapter 100") bonds for the purchase of equipment for the Springfield Plant of Kraft Foods Group, Inc. (now Kraft Heinz Foods Group). This equipment, with an approximate total investment of \$49 million, is in use in the Springfield, Missouri Plant.

REMARKS: Kraft Heinz has audited its project costs related to the 2012 bond issue, and its equipment costs were slightly lower than projected, while "soft costs" such as materials and installation were higher than expected. Kraft Heinz desires to amend its Chapter 100 Plan to reflect the true cost of equipment purchased under that Plan, which will reduce its PILOT payments that are based on equipment cost. The company has requested to enter into a Preliminary Funding Agreement by which the City will retain Gilmore & Bell, P.C. to begin preparing the necessary documents for the Plan amendment. Kraft Heinz will pay for the costs of preparing of the documents.

Approval of this funding agreement does not approve the issuance of bonds or any other document other than the funding agreement. The funding agreement expressly provides in paragraph 8 that all future approvals are subject to legislative discretion.

The preliminary funding agreement requires that the company deposit \$7,500 with the City, to pay for legal fees associated with the amendment. A budget adjustment is needed to appropriate the funds "Exhibit B."

Supports the following Field Guide 2030 goal(s): Chapter 3, Economic Development; Major Goal 2, Aggressively use Economic Development Incentives to encourage investment in the community and to encourage job creation and retention; Objective 2b, Continue to explore creative and flexible methods to attract and retain jobs and business investment in the community.

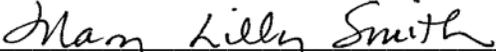
Staff recommends approval.

Submitted by:



Sarah Kerner, Interim Director of
Economic Development

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBIT A

PRELIMINARY FUNDING AGREEMENT

This **PRELIMINARY FUNDING AGREEMENT** (“Agreement”) is entered into this _____ day of _____, 2016, between the **CITY OF SPRINGFIELD, MISSOURI** (the “City”), and **KRAFT HEINZ FOODS COMPANY**, a Pennsylvania corporation (together with its successors or assigns the “Developer”).

RECITALS

WHEREAS, the City is a constitutional charter city incorporated and exercising governmental functions and powers pursuant to its charter and the Constitution and the Revised Statutes of the State of Missouri; and

WHEREAS, the Developer is a Pennsylvania corporation and is authorized to conduct business in the State of Missouri; and

WHEREAS, the Developer is successor to Kraft Foods Group, Inc. (the “Prior Developer”); and

WHEREAS, the Prior Developer did previously made application to the City for the issuance of bonds under the Act, and the City did issue its \$26,000,000 (Aggregate Maximum Principal Amount) of Industrial Development Revenue Bonds (Kraft Foods Group, Inc. Project) Series 2012 (the “Bonds”) for the purpose of financing a project for industrial development under the provisions of Sections 100.010 to 100.200 of the Revised Statutes of Missouri (the “Act”); and

WHEREAS, the Developer has requested that alterations be made to certain of the documents related to the Bonds, including preparation of a revised plan for industrial development, amendment to the PILOT Agreement executed in association with the issuance of the Bonds and related documents (collectively, the “Application”); and

WHEREAS, if the Application is approved by the City, the City may be requested to provide such other services and assistance as may be required to implement and administer the Application through its completion; and

WHEREAS, the City does not have a source of funds to finance costs incurred for additional legal, financial and other consultants or for direct out-of-pocket expenses and other costs resulting from activities necessary to review, evaluate, process and consider the Application; and

WHEREAS, it is the City’s policy that a Developer who desires assistance from the City in a public-private partnership or through the use of economic incentive tools shall demonstrate the financial ability to allow for the full and fair evaluation by the City of all development proposals and requests for economic incentives from the City; and

WHEREAS, in order for the City to fully consider and evaluate the Application, the Developer seeks to deposit funds with the City to be used by the City to pay for actual out-of-pocket expenses necessary to perform a full evaluation of the Application and engage consultants as needed for such evaluation.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Services to be Performed by Gilmore & Bell, P.C. on Behalf of the City.**

Gilmore & Bell, P.C., on behalf of the City shall:

A. Prepare a revised proposed plan for industrial development conforming with the Act (the "Revised Plan");

B. Prepare an amendment to the PILOT Agreement as described in the recitals hereto; and

C. Prepare an ordinance and any other documents necessary related to such revisions.

2. **Expenses.** The cost of preparing the Revised Plan and related amendatory documents will be \$7,500 (the "Deposit") which amount is due upon the execution of both parties of this Agreement.

3. **Purpose of Funding.** The City and the Developer agree that the expenses incurred hereunder will be related to the City retaining Gilmore & Bell, P.C., for special legal counsel and bond counsel services. The parties agree that Gilmore & Bell, P.C. will represent only the City in the transaction and that an attorney-client relationship will exist between Gilmore & Bell, P.C. and the City.

4. **Disbursement of Funds.** The City shall disburse the Deposit for payment in accordance with its normal procedures.

5. **Further Administration and Expenses.** The documents authorizing the issuance of the Bonds have committed the Developer to payment of certain ongoing fees and expenses as set forth therein.

6. **Termination.**

A. In the event the Developer fails to perform any of its obligations herein, the City may terminate this Agreement, and any other agreement between the parties related to the subject matter hereof, at its sole discretion if the Developer fails to cure the default within ten (10) days after written notice to the Developer of the default. Termination by the City shall also terminate any duties and obligations of the City with respect to this Agreement, including, but not limited to, the City's processing of Developer's Application and preparation, review and processing of the Documents. Upon such termination, the City shall retain the Deposit to pay or reimburse the City for all expenses incurred under this Agreement to the date of termination.

B. The parties hereto acknowledge that the Developer may determine to abandon the Application. Upon written notice of abandonment by the Developer, this Agreement shall terminate and the City may terminate any other agreement between the parties related to the subject matter hereof and shall retain the Deposit in the amount necessary to reimburse the City for all expenses incurred under this Agreement to the date of termination and any monies due and owing to the City pursuant to any other agreement.

C. After termination of this Agreement, any amounts remaining from the Deposit after all amounts have either been paid as directed by, or reimbursed to, the City shall be returned to the Developer.

D. This Agreement may be terminated by mutual agreement of the City and the Developer by mutual written consent to be executed after the Application is approved.

7. **Notice.** Any notice, approval, request or consent required by or asked to be given under this Agreement shall be deemed to be given if in writing and mailed by United States mail, postage prepaid, or delivered by hand, and addressed as follows:

To the City:

City of Springfield, Missouri
840 Boonville
Springfield, Missouri 65801
Attn: City Attorney

With a copy to:

Rick McConnell
Gilmore & Bell, P.C., Suite 1100
2405 Grand Blvd.
Kansas City, Missouri 64108

To the Developer:

Kraft Heinz Foods Company
200 E. Randolph Street
Chicago, IL 60601
Attn: Director of U.S. Government
Affairs

With a copy to:

Kraft Heinz Foods Company
200 E. Randolph Street
Chicago, IL 60601
Attn: Chief Counsel, Business &
Corporate Services

Each party may specify that notice be addressed to any other person or address by giving to the other party ten (10) days prior written notice thereof.

8. **City Requirements and Prior Approval.** The Developer agrees to comply with all applicable laws and City ordinances, including, but not limited to, the City's zoning ordinances, subdivision regulations and all planning or infrastructure requirements related to the development of Developer's property. The parties agree that execution of this Agreement in no way constitutes a waiver of any requirements of applicable City ordinances or policies with which the Developer must comply and does not in any way constitute prior approval of any future proposal for development, including the Application. The parties understand that the City may not lawfully contract away its police powers and that approval of the Application and any zoning, subdivision and similar development applications cannot be contractually guaranteed. This Agreement does not alter or diminish the City's ability to exercise its legislative discretion to consider the Application in accordance with the Act and all applicable laws any other applications with respect to development of Developer's property.

[Remainder of this Page Intentionally Left Blank]

The parties hereto have caused this Agreement to be executed by their duly authorized representatives the day and year first above written.

CITY OF SPRINGFIELD, MISSOURI

By: _____
Greg Burris, City Manager

(SEAL)

ATTEST:

City Clerk

KRAFT HEINZ FOODS COMPANY

By: _____

Name: _____

Title: _____

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

BA Number 0031

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	17	60210	414110	101028	00000	7,500.00	Reimbursements from Kraft
Net Revenue Adjustment						7,500.00	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	17	60210	504580	101028	00000	7,500.00	Other Professional Services
Net Expenditure Adjustment						7,500.00	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: This budget adjustment is due to an amendment to a previous funding agreement between the City of Springfield and Kraft.

Requested By:

Mary Lilly Smith 1/6/16
Department Head Date

Approved By:

Mary Mann O'Donoghue 1/6/16
Director of Finance Date

Authorization:

Council Bill No. 2016-016
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date

One-rdg. _____
P. Hrngs. _____
Pgs. 11
Filed: 01-05-16

Sponsored by: Burnett

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 017

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a cost-sharing agreement
2 with Ozarks Technical Community College (OTC) for the purpose of
3 constructing improvements along Central Street and Pythian Street between
4 Clay Avenue and National Avenue (Central/Pythian Project), amending the
5 2013-2018 Capital Improvements Program to include the Central/Pythian
6 Project, and amending the budget of the Department of Public Works for
7 Fiscal Year 2015-2016 in the amount of \$335,580 to appropriate a
8 contribution from OTC towards the project according to the cost-sharing
9 agreement.

10 _____

11
12 WHEREAS, the City and OTC desire to enter into an agreement to share costs
13 associated with the Central/Pythian Project to construct improvements along Central Street
14 and Pythian Street between Clay Avenue and National Avenue ; and

15
16 WHEREAS, this phase connects Central Street to Pythian Street with a new
17 roundabout at Sherman Avenue; and

18
19 WHEREAS, the Capital Improvements Program will be amended to include this
20 project in the list of funded capital improvements; and

21
22 WHEREAS, this roadway improvement will benefit the citizens of the City.

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

26
27 Section 1 – The City Manager, or his designee, is hereby authorized to enter into a
28 cost-share agreement with OTC, said agreement to be in substantially the form as that
29 document attached hereto and incorporated herein by reference as "Exhibit A."

30
31 Section 2 –The budget for the Department of Public Works for Fiscal Year 2015-
32 2016 is hereby amended in the accounts and in the amounts as shown on Budget
33 Adjustment No. 0028, a copy of which is attached hereto and incorporated herein by
34 reference as "Exhibit B."
35

36 Section 3 – The City Manager is directed to cause the appropriate accounting entries
37 to be made in the books and records of the City.

38
39 Section 4 – This ordinance shall be in full force and effect from and after passage.

40
41 Passed at meeting: _____

42
43
44
45 _____
46 Mayor

47 Attest: _____, City Clerk

48
49 Filed as Ordinance: _____

50
51
52 Approved as to form: Amanda R. Callaway, Assistant City Attorney

53
54
55 Approved for Council action: [Signature], City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 017

FILED: 01-05-16

ORIGINATING DEPARTMENT: Public Works

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

BACKGROUND INFORMATION: This cost-sharing agreement allocates the estimated \$2,830,000 construction cost for Phase 1 of the proposed Central Street and Pythian Street corridor improvements between the City of Springfield and OTC. This phase connects Central Street to Pythian Street with a new roundabout at Sherman Avenue. These improvements incorporate a system for vehicles, bikes, and pedestrians, for a complete street design to encourage all forms of transportation. OTC will incur costs and in-kind donations for rights-of-way, easements, and demolition valued at approximately \$565,008 based on the cost-sharing agreement. Construction of the project is estimated at \$2,264,992 (\$2,830,000 less \$565,008). OTC will contribute approximately \$335,580 to the City for construction related items specified in the agreement which is being budgeted with this Council bill. The City's net cost is estimated at \$1,929,412 (\$2,264,992 less \$335,580) and will be funded from budgeted reimbursement funds previously received from the Missouri Department of Transportation (MoDOT) for the City's advanced funding of the National Avenue and James River Freeway Interchange Improvements completed in 2010.

This ordinance also amends the 2013-2018 Capital Improvements Program to include this project in the list of funded capital improvements.

This project supports the following Field Guide 2030 goals: Chapter 12 Transportation; Major Goal 4, Multi-Modal, Interconnected System The City of Springfield should work within the region to develop, implement, and maintain a multi-modal transportation system that supports jobs, housing, education, accessibility, recreation, clean air, water conservation, and sustainability; Objective 4c, To enhance walkability and bikeability, specific attention and support should be given to the current "Link" initiative within the City of Springfield to redevelop our existing streets toward a more friendly and safer environment for alternative and green modes of transportation; and Major Goal 5, Quality of Life and Livability The City of Springfield should work to improve quality of life and livability by enhancing effectiveness and aesthetics and improving the connectivity and accessibility of the street, pedestrian, bicycle, and light rail/monorail networks, promoting urban density and efficient development patterns and increasing the efficiency and convenience of the existing public transit system; Objective 5d, Consider traffic calming, decibel limits, and enhancing

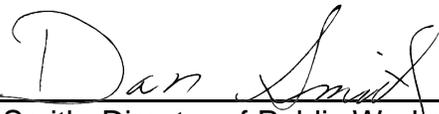
public space aesthetics (examples include street furniture, banners, pedestrian lighting, art, plantings, and special paving) in Pedestrian Districts (to be defined in the Complete Streets Master Plan) as tools to increase quality of life, safety, and access.

REMARKS: Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:


Kirk Juranas, Assistant Director of Public Works

Recommended by:


Dan Smith, Director of Public Works

Approved by:


Greg Burris, City Manager

**COST SHARING AGREEMENT FOR STREET CONNECTION
BETWEEN CENTRAL AND PYTHIAN**

THIS AGREEMENT made and entered into this _____ day of _____, 2015, by and between Ozarks Technical Community College (“OTC”) and the City of Springfield, Missouri, a Municipal corporation (“City”).

WITNESSETH:

WHEREAS, City desires to create a phased multi-modal connection from Glenstone to Grant that is a safe, attractive, enjoyable walking and biking route for travel between Evangel, OTC, Drury, Springfield Public Schools, and the Government Complex; and

WHEREAS, OTC desires to eliminate the current and future conflict between the public that travels through their campus and the students accessing the college’s current and future facilities, and;

WHEREAS, City and OTC desire to partner together to accomplish portions of both goals by creating a new street connection between the existing Pythian and Central streets across the OTC campus, thereby enabling OTC to expand its facilities in an orderly manner and separating the student body from City’s through traffic; and

WHEREAS, in order to memorialize the terms and conditions of the parties’ agreement for the construction of a new street connection between the existing Pythian and Central streets across the OTC campus, the parties agree as follows:

1. Rights of way and easements.
 - a. OTC agrees, at its sole cost and expense, to dedicate all right of way and easements, both temporary and permanent, on property owned by OTC which is necessary to construct and maintain the new roadway, drainage, and sidewalk between National Avenue and Clay Avenue as generally shown on Exhibit 1. This right of way shall be free and clear of all liens and encumbrances and free of all structures by April 15, 2016, except for the property at 1115 Pythian, which will be available after June 1, 2016. City agrees to assist in any negotiations for rights of way being acquired by OTC upon OTC’s request, provided that any such assistance can be provided at no cost to City.
 - b. City agrees, at its sole cost and expense, to acquire any needed rights of way or easements to construct and maintain the project east of National Avenue, and west of Clay Avenue.

2. Financial Responsibilities of OTC. OTC agrees to cover all costs associated with the landscaping and amenities, fencing, and pedestrian lighting on property owned by OTC which the parties hereto anticipate to cost the approximate amounts shown on the Proposed Budget, attached hereto as Exhibit 2: Costs shall be handled on a per item basis and include actual cost on completion, overruns and underruns inclusive.
 - a. Benches. OTC agrees to provide and install, at no cost to the City, up to four (4) benches along the widened sidewalk along the North and South sides of Pythian, where appropriate. Bench pads will be paid for and installed by the City. Location for benches will be agreed upon by the City and OTC.
 - b. Landscaping. City will install irrigation sleeves to the center of the roundabout at Sherman. OTC will provide and install the irrigation system for water and irrigation to the roundabout landscaping. OTC will provide, install, and maintain the landscaping for the center of the roundabout and bench areas. Any damage to the landscaping will be repaired and maintained by OTC.
 - c. Fencing. OTC agrees to cover the costs for a six (6) to eight (8) foot high aluminum or wrought-iron fence, with brick column pilasters, on the South side of Pythian, from National Avenue in a Westward direction to the Sherman roundabout. OTC shall be allowed to install a sliding access gate between Hampton and Scott Avenues. Hampton Avenue will remain open for pedestrian and vehicular traffic.
 - d. Pedestrian lighting. OTC agrees to cover the costs for installation of conduit, bases for all lighting, decorative poles, wiring and fixtures, electric meters and pedestals. Upon completion of installation, OTC will also pay for electricity charges for operation of the lighting. OTC will be responsible for maintenance costs associated with the pedestrian lighting.
3. Financial Responsibilities of City. City agrees to pay for all other construction costs for the project, including the following.
 - a. Right of Way. City agrees to cover all costs associated with the roadway items within the right of way (ROW) and/or associated with City Utilities bus stops and turn-ins: curb & gutter, roadway pavement, driveway approaches, grading, sidewalk, signal items, whiteway street lighting conduit and bases.
 - b. Sidewalks. City also agrees to pay for installation of sidewalk and hammerhead located South of Pythian, West of National Avenue, with hammerhead extending on both sides of Florence Avenue. City also agrees to pay for parking lot A curb-cut grading.
4. Payment of Costs. OTC shall make payment to the City for the Schedule A and Schedule B items in Exhibit 2, due within thirty (30) days of the acceptance of the bids for this project. OTC agrees to cover the cost for any additional item requested by OTC

as the final construction plans are developed that is not included in this agreement. Once final actual costs of the completed project are determined, OTC will pay for any additional actual costs over the estimated costs for the items in Schedule A, B, and any other additional items they may request as noted, or the City will make a refund to OTC if the final cost for Schedule A, B, and any other additional items requested by OTC are less than the amount OTC had previously paid.

5. Maintenance and Ownership. OTC agrees to perpetually maintain items located on OTC property. These items include landscaping, fence, sidewalk and existing Greenways Trail on the OTC property, and pedestrian lighting along the corridor between National Avenue and the railroad right of way east of Clay Avenue after the improvements are constructed. City will own and maintain all improvements made within the right of way.
6. Construction Plans. City and OTC agree to jointly develop construction plans for the portion of the new street corridor between National Avenue and Clay as generally shown on Exhibit 1. The plans shall be paid for by City, and the construction will be managed by City in accordance with the Public Works Standard Conditions and Specifications for Public Improvements. Once finally developed, the constructions plans will be designated as Exhibit 4 and will be attached hereto and incorporated herein by reference.
7. Start Time. Unless both parties mutually agree to change the construction start time, construction will start in the spring of 2016, contingent upon the availability of the properties involved.
8. Vacation of Street and Traffic Signals. City agrees to support the vacation of Central Street between Sherman and National Avenue as a public vehicular travel way, and provided such vacation is granted, to remove the existing traffic signal at National Avenue and Central Street, and to install a new traffic signal at National Avenue and Pythian Street. City also agrees to support the vacation of Florence and Hampton Avenues, South of Pythian Street, Bob Barker Street from Sherman Avenue to the railway, Clay Avenue from Bob Barker to Chestnut Street, and Chestnut Street between Sherman and the railway, as public vehicular travel ways, with the understanding that some public utility easements may be requested to remain in place. These locations are shown generally in Exhibit 3.
9. Prevailing Wage. OTC acknowledges that all labor utilized in the construction of the project 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.
10. Conflict of Interest. In accepting this contract, OTC 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 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.

11. Assignment. OTC 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.
12. 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 OTC at the following addresses:

OTC
Attn: Rob Rector, Vice Chancellor, Administrative Services
1001 E. Chestnut Expressway
Springfield, MO 65802
Fax: 417-447-4856
rectorr@otc.edu

City of Springfield
Attn: Director of Public Works
840 N. Boonville, PO Box 8368
Springfield, MO 65802
Fax: 417-864-1929

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.

13. Entirety. This agreement contains the entire understanding between the parties and supersedes any prior understandings and agreements between them respecting the subject matter of this Agreement. All amendments to this Agreement, whether by modification or supplementation, shall be in writing and signed and approved by City and OTC.
14. 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.
15. Termination. If the City cannot obtain the necessary right of way from OTC by April 15, 2016, (except for the property at 1115 Pythian, which is leased to a third party until June 1, 2016) then City may elect to terminate this agreement by giving no less than thirty days written notice to OTC. OTC's failure to deliver right of way at 1115 Pythian shall not be grounds for termination by City, so long as OTC is taking reasonable action to

remove Tenant from that property following termination of the applicable lease, and continues to follow through on such action with reasonable diligence.

[Remainder of page intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed on the date first written above.

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 therefore.

Mary Mannix-Decker, Director of Finance

APPROVED AS TO FORM

Rhonda Lewsader, Assistant City Attorney

OTC

Signature: _____

(Print name and title)

Date: _____

CITY OF SPRINGFIELD, MISSOURI

By: _____
Collin Quigley, Assistant City Manager

Date: _____

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

BA Number 0028

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46110	20	73020	414110	102013	00000	335,580.00	OTC Contribution for Central/Pythian Improvement Project
Net Revenue Adjustment						335,580.00	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46110	20	73020	509110	102013	00000	335,580.00	Central/Pythian Improvement Project
Net Expenditure Adjustment						335,580.00	

Fund Balance Appropriation:

Fund	Title	Amount
		-

Explanation: To appropriate a contribution from Ozark Technical Community College (OTC) for their portion of the Central/Pythian Improvement Project based on the proposed Cost Sharing Agreement.

Requested By:

Dan Smith 1/6/16
Department Head Date

Approved By:

Mary Mary O'Donoghue 1/6/16
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2016-017
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 13
Filed: 01-05-16

Sponsor: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 018

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the program rules and regulations for the "Comprehensive Housing
2 Assistance Program" (CHAP) as previously adopted by General
3 Ordinance No. 5810 on March 23, 2009 and amended by General
4 Ordinance No. 5930 on May 2, 2011, by amending Chapter 2, Section H
5 and Chapter 11, Section 4 to allow the loan committee to accept reduced
6 payoffs under the "MINOR AND EMERGENCY HOME REPAIR LOAN"
7 program.
8
9

10 WHEREAS the current program rules and regulations for the CHAP program
11 were adopted on March 23, 2009 by General Ordinance No. 5810; and
12

13 WHEREAS, on May 2, 2011, General Ordinance No. 5930 expanded the CHAP
14 program to include minor and emergency home repair for neighborhood stabilization,
15 weatherization improvements, reducing or preventing infestation and weather damage,
16 increasing occupant security and safety, and reducing property blight; and,
17

18 WHEREAS, current CHAP regulations do not allow for write-off or reduction of
19 loans for minor and emergency home repair borrowers in certain circumstances; and
20

21 WHEREAS, the loan committee and Planning and Development Director, with
22 due diligence, need authority to reduce payoffs or write off these loans; and,
23

24 WHEREAS, these amendments support federal housing goals of the Department
25 of Housing and Urban Development, which funds CHAP.
26

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

30 NOTE: Language to be added is underlined.
31

32 Section 1 – the program rules and regulations for the “Comprehensive Housing
33 Assistance Program (CHAP), Chapter 2, paragraph H are amended as follows:

34 The following program requirements will govern this program:
35

- 36 • *The financial assistance shall be in the form of a loan, which must be
37 repaid when the recipient ceases to be an owner-occupant of the property
38 or ownership is transferred to another party.
- 39 • Maximum loan funding shall not exceed ~~\$5,000~~ \$15,000 unless prior
40 approval is granted by the Loan Committee. Granting exceptions is solely
41 the responsibility of the Loan Committee and not subject to the provisions
42 of appeal that are described in Chapter 7.
- 43 • No interest for the loan will accrue nor will be charged for the life of the
44 loan.
- 45 • ~~No~~ Loan payments ~~will~~ may be required for this loan.
- 46 • The property must not have received this service/loan in the past.
- 47 • The Director of the Planning and Development Department is authorized,
48 upon recommendation of the loan committee, to write off a debtor's liability
49 for the portion of indebtedness which is in excess of the property's fair
50 market value when the property is sold subject to the net proceeds of the
51 sale even if that is 0. Net proceeds will be defined in similar manner to the
52 HOME regulation 24 CFR 92.254 as the sales price minus superior loan
53 repayment and any customary and reasonable closing costs.

54
55 Section 2 - the program rules and regulations for the "Comprehensive Housing
56 Assistance Program (CHAP), Chapter 11, Section 4 is hereby amended by adding a
57 new subsection 5, which subsection shall read as follows:
58

59 5. For the MINOR AND EMERGENCY HOME REPAIR LOANS see chapter 2,
60 paragraph H.

61
62 Section 3 – "Exhibit A," (specifically pages 12 and 34) shows the above changes
63 in context.
64

65
66 Section 4 – This ordinance shall be in full force and effect from and after
67 passage.
68

69 Passed at Meeting: _____
70

71 _____
72 Mayor
73

74
75 Attest: _____, City Clerk
76

77
78 Filed as Ordinance: _____
79

80

81 Approved as to Form: Duke McDonald, Assistant City Attorney

82

83

84 Approved for Council Action: Greg Burns, City Manager

EXPLANATION TO COUNCIL BILL NO: 2015- 018

FILED: 01-05-16

ORIGINATING DEPARTMENT: Planning and Development.

PURPOSE: To adopt an ordinance to amend the Rules and Regulations of the Comprehensive Housing Assistance Program to allow the Loan Committee to accept reduced payoffs and amend other rules under the MINOR AND EMERGENCY HOME REPAIR LOAN program. (Staff and Loan Committee recommend approval.)

BACKGROUND INFORMATION: The City of Springfield's Comprehensive Housing Assistance Program provides basic housing services to low and moderate income homeowners and rental property owners in the City's Revitalization Area.

In 2011 City Council expanded the program to include minor and emergency home repair for neighborhood stabilization, weatherization improvements, and to reduce or prevent damage from weather or infestation, to increase security or safety of the occupants and reduce property blight in the City's targeted area. It continues to be successful in meeting those goals.

From time to time, the homeowners (or their heirs) must sell their property. The reasons include (but are not limited to) death of a family member, growing family size that requires a larger home or job opportunities in other locales away from Springfield. The supplemental emergency loans and the associated mortgages on the property can be paid back on sale if sufficient equity exists. Unfortunately, the sluggish housing rebound in the targeted area occasionally makes total pay back impossible. The City's current regulations allow the Planning and Development Director to approve write-offs for situations such as foreclosure, bankruptcy, or when the property is sold to pay uninsured medical or nursing home expenses, but not the situations mentioned above. The scenarios indicated above need to be added to the approval process so that the Loan Committee and department director, with due diligence, can respond to those needs as well as for the minor and emergency home repair borrowers.

Staff is also proposing two additional amendments that would raise the loan limit and allow for loan payments.

1.) Based on staff experience meeting the needs being presented by the applicants for emergency and minor repairs, the \$5,000 dollar threshold for loan purposes is below current costs to meet those needs. Raising the threshold to \$15,000 allows for more comprehensive assistance and flexibility in meeting the needed repairs and accounts for rising material and labor costs.

2.) Staff's recent experience with deferred loans indicates that some homeowners assume that the loan is a grant since there are no required payments. Also, in certain situations, the loan payments can assist the home owner re-coup their equity with minimal

payments and no interest charged to them. Staff recommends the Loan Committee adopt loan terms, policies and procedures to allow for minimal payment to avoid any confusion and promote sound financial practices in concert with the major loan programs.

Supports the following Field Guide 2030 goal(s): Chapter 7, Housing; Major Goal 7, Pursue and expand assistance programs for residents to obtain and maintain housing that is affordable.

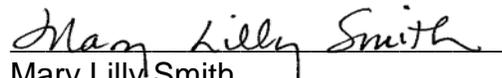
REMARKS: The amendments provide the needed flexibility for the loan program and provides clarification of the director's authority in situations where families are faced with choices or needs beyond just economic failure.

Staff and Loan Committee recommends approval.

Submitted by:


Brendan K. Griesemer, AICP
Planning and Development Manager

Recommended by:


Mary Lilly Smith
Director, Planning and Development

Approved by:


Greg Burris
City Manager

Exhibit A
CHAPTER 2

ELIGIBILITY REQUIREMENTS

This Chapter sets forth basic eligibility requirements for property owners and real property to be assisted under this Program.

A. OWNER-OCCUPIED LOANS

An owner-occupied loan may be made only for residential property located within the approved revitalization area authorized by City Council. The property must be in need of repair according to the Minimum Housing Standards established for the Program. The rehabilitation project must be determined to be economically feasible by the Loan Committee.

In order to be eligible for a housing loan, the applicant must be the owner of record and occupy the property to be assisted containing no more than two (2) dwelling units. The applicant must have a combined gross annual household income that does not exceed 80% of the median for the City by household size. The applicant must have an acceptable credit rating and have the financial means to repay a housing loan in addition to maintaining the property and meeting monthly housing expenses. Since housing loans are intended to assist owner-occupants who have no other financial means to improve their property, housing loans will not be normally considered for homeowners who have substantial liquid assets to finance the needed repairs.

Special exceptions to the requirement that the owner of record occupy the property prior to application may be granted by the Loan Committee for purposes of furthering the City's housing policy and in fulfilling the objectives of neighborhood plans. Situations for granting special exceptions may include the following:

The owner or owners have lived in the property previously and agree to occupy the property as a personal residence immediately after rehabilitation is completed; or

The property is uninhabitable at the time of application and the owner or owners agree to occupy the property as a personal residence immediately after rehabilitation is completed; or

The property owner of record is a qualified nonprofit corporation in the business of providing decent and affordable housing; the property will be rehabilitated by the corporation; and it is agreed that the property will be sold, after completion of rehabilitation, to a buyer who qualifies on the basis of income and agrees to occupy the property as a personal residence.

Loan terms shall be at the Loan Committee's discretion so long as they otherwise meet the requirements of this Chapter. Granting exceptions is solely the responsibility of the Loan Committee and not subject to the provisions of appeal that are described in Chapter 7.

Housing loans for owner-occupied properties shall be made on the following basis with respect to that portion of the loan that will be amortized and that portion which will be deferred with no interest.

<u>Annual Gross Household Income</u>	<u>% of Loan Deferred at 0% Interest</u>	<u>% of Loan Amortized at 5% Interest</u>
50% or less of median by household size	100%	-0-
Greater than 50% but no more than 60% median by household size	75%	25%
Greater than 60% but no more than 70% of median by household size	50%	50%
Greater than 70% but no more than 80% of median by household size	25%	75%
Greater than 80% of median by household size	----- Not Eligible -----	

B. RENTAL PROPERTY LOANS

A rental housing loan shall be made only with respect to rental property located within the approved revitalization area authorized by City Council. Loans can be made for rehabilitation of existing housing stock or construction of new housing. The property must be in need of repair according to the Minimum Housing Standards. The rehabilitation work to be performed must be economically feasible.

In order to be considered for a rental housing loan, the owner must be financially solvent, have a good credit rating and agree to have the property appraised to determine value after rehabilitation. The applicant must submit a pro-forma for review and evaluation by the Loan Committee to determine if the project is financially feasible.

The use of City of Springfield funds may be used to leverage other public and private funds for a rental housing project. The following table illustrates how CDBG and HOME funds may be used in combination with other funds.

<u>Source of Funds for Rental Housing</u>	<u>Combined with other Loan Funds, Public and Private</u>
CDBG Funds	Private Funds - Yes HOME Funds - Yes
HOME Funds	Private Funds - Yes CDBG Funds - Yes

The maximum amount of CDBG Funds that may be used for a rental housing loan shall be determined by the Loan Committee on a case by case basis. The project pro-forma shall generally be used to guide the committee in committing funds. The Committee shall also be guided by programmatic restrictions when committing CDBG funds to a project.

The maximum amount of HOME funds that may be committed to a project shall be determined by the Loan Committee based upon the project pro-forma, but in no event shall the HOME per unit subsidy exceed the maximum amount set by HUD based on the number of bedrooms.

C. ACQUISITION/REHABILITATION/ DISPOSITION OF VACANT RESIDENTIAL PROPERTY

A property selected under this activity must be located within the revitalization area authorized by City Council. The selection of vacant residential properties to be acquired and rehabilitated by the City will be the responsibility of the Loan Committee with the approval of the Director of Planning and Development.

Vacant residential properties will be appraised and acquired in accordance with the provisions of the Uniform Relocation and Real Properties Acquisition Policies Act of 1970 (P.L. 91-646), as amended and in accordance with all other HUD regulations, unless the City purchases the property at a sale for taxes or sale of the property based upon a lien by the City under the Dangerous Building Code or nuisance law of the City. Following acquisition of the property, the City shall prepare a rehabilitation plan and solicit bids from contractors to perform the required work. Upon completion of the rehabilitation, the City will proceed to solicit offers to purchase the property, preferably from first time homebuyers. The City may dispose of the property by a Lease Purchase Agreement. The property may be sold for rental housing if efforts to market it for homeownership fail. The City may also transfer the property to a neighborhood not for profit organization or a qualified nonprofit corporation in the business of providing decent and affordable housing.

D. ACQUISITION/DEMOLITION OF VACANT RESIDENTIAL PROPERTY

A property selected under this activity must be located within the approved revitalization area as authorized by City Council. The selective acquisition of vacant residential properties for demolition shall be based upon the fact the property is not feasible for rehabilitation and is a detriment to the neighborhood. Vacant residentially zoned lots or parcels may also be acquired for the development of affordable housing to meet goals and objectives of the City's Consolidated Plan. Vacant residential lots shall be acquired only where residential development is impracticable as a result of City liens, assessments, or any combination of other factors, which make private residential development economically unlikely or impractical. In the event liens imposed by the City on the property exceed the appraised value, then the City may elect to accept the property subject to such liens to facilitate the transfer of the property to the City by the property owner for housing development under this part. All properties considered will be acquired voluntarily based upon an appraisal by a certified appraiser under the provisions of the Uniform Act, unless the City purchases the property at a sale for taxes or sale of the property based upon a lien by the City under the Dangerous Building Code or nuisance law of the City.

All vacant residential properties selected by the Loan Committee must be approved by the Director of Planning and Development.

Following acquisition and demolition of the property, the City will proceed to dispose of the vacant land for residential redevelopment in compliance with HUD regulations.

E. DOWNPAYMENT/CLOSING COSTS ASSISTANCE FOR THE FIRST TIME HOMEBUYERS

This loan activity may be administered by the City or assigned to an eligible Neighborhood Based Non-Profit Organization by Subgrant Agreement. The Loan Committee shall develop policies and procedures which shall be governed by the following basic eligibility criteria:

To be eligible for this project, a family or individual must be a first time homebuyer, as defined by HUD, and must be determined to be low income. The applicant must demonstrate that his or her annual gross household income is not greater than HUD income schedules published for the City of Springfield as adjusted by family size. The applicant must be prequalified by a recognized lending institution.

The applicant may apply for assistance for a newly constructed home or for an existing home. An existing home assisted under this project must be determined to meet Housing Quality Standards, or provide assurance that the home will be repaired to meet Housing Quality Standards.

The following assistance may be provided:

- Loans may be in an amount up to 10% of the purchase price.
- Purchase price limits shall adhere to HUD limits.
- Loans may pay all reasonable closing costs and pre-paid expenses.
- Maximum assistance per property shall not exceed the limits set by HUD.

The loan made on the property shall be secured by a Deed of Trust in favor of the Neighborhood Organization or City of Springfield. The loan may bear interest at the rate approved by the Loan Committee or be a deferred no-interest loan.

The City of Springfield program shall adhere to the requirements in Chapter 3, Paragraph A(6)

F. HOUSING COUNSELING SERVICES

Owner-occupants and tenants of assisted properties, or properties to be assisted may be eligible for housing counseling services.

Counseling service will be provided by the City, or its designated Agent, to those persons who are having difficulty with financial management and credit problems. In some cases, counseling may be needed for first time homeowners to assist them in coping with the problems associated with property ownership.

G. HUD APPROVED FINANCING MECHANISMS

Assistance provided through this activity would promote blight clearance, maintenance/rehabilitation of affordable housing or production of affordable housing. This activity may utilize HUD approved financing mechanisms.

H. MINOR AND EMERGENCY HOME REPAIR LOANS

An owner-occupied minor or emergency home repair loan may be made only for residential property located within the approved revitalization area authorized by City Council. Minor home repairs are limited to those which pose an imminent threat to the home and/or inhabitants. These repairs are intended to stabilize the home, reduce or prevent damage from weather or infestation, and where possible increase energy efficiency. These repairs are also intended to increase the security and/or safety of the home's inhabitants. Lastly, minor repairs can be targeted to reduce individual property blight and improve the immediate neighborhood surrounding the home.

The minor and emergency home repair projects will have a limited scope of work. The nature of this program is to abate or stabilize the imminent threat to the property or to prevent further damage. Such action may leave additional work for the homeowner or other service programs to share in the effort.

In order to be eligible for a minor or emergency home repair loan, the applicant must be the owner of record and occupy the property to be assisted containing no more than one (1) dwelling unit. The applicant must have a combined gross annual household income that does not exceed 80% of the median for the City by household size.

Special exceptions to the requirement that the owner of record occupy the property prior to application may be granted by the Loan Committee for purposes of furthering the City's housing policy and in fulfilling the objectives of neighborhood plans. Situations for granting special exceptions may include the following:

- a. The owner or owners have lived in the property previously and agree to occupy the property as a personal residence immediately after the repair is completed; or
- b. The property is uninhabitable at the time of application and the owner or owners agree to occupy the property as a personal residence immediately after rehabilitation is completed; or
- c. The property owner of record is a qualified nonprofit corporation in the business of providing decent and affordable housing; the property will be rehabilitated by the corporation; and it is agreed that the property will be sold, after completion of rehabilitation, to a buyer who qualifies on the basis of income and agrees to occupy the property as a personal residence.

The following program requirements will govern this program:

- The financial assistance shall be in the form of a loan, which must be repaid when the recipient ceases to be an owner-occupant of the property or ownership is transferred to another party.
- Maximum loan funding shall not exceed ~~\$5,000~~ \$15,000 unless prior approval is granted by the Loan Committee. Granting exceptions is solely the responsibility of the Loan Committee and not subject to the provisions of appeal that are described in Chapter 7.
- No interest for the loan will accrue nor will be charged for the life of the loan.
- ~~No~~ Loan payments will ~~will~~ may be required for this loan.
- The property must not have received this service/loan in the past.
- The Director of the Planning and Development Department is authorized, upon recommendation of the Loan Committee, to write off a debtor's liability for the portion of indebtedness which is in excess of the property's fair market value when the property is sold subject to the net proceeds of the sale even if that is 0. Net proceeds will be defined in similar manner to the HOME regulation 24 CFR 92.254 as the sales price minus superior loan repayment and any customary and reasonable closing costs.

The Loan Committee, upon approval of the Director of Planning and Development, may adopt additional program eligibility requirements or guidelines for this program.

CHAPTER 11

PROTECTION OF THE CITY'S FINANCIAL INTEREST IN RESIDENTIAL PROPERTIES ASSISTED WITH LOANS

This Chapter outlines the basic procedures and policies of the City regarding protection of its financial interest in real property.

1. Purpose

In order to meet program objectives and achieve housing goals, and to provide financial assistance where needed, the Loan Committee often approves loans for housing rehabilitation on properties which require the City to assume a subordinate position to existing liens on the property being assisted. As a result thereof, it may be necessary from time to time for the City to provide funds to acquire a permanent interest in, or to obtain temporary control of, the assisted property in order to protect the financial interest of the City when foreclosure is pending by a lien holder on the property as a result of nonpayment by the mortgagor.

2. Purchases

This Chapter authorized the Director of Planning and Development, upon recommendation of the Loan Committee, to expend funds from the appropriate loan account to acquire a permanent interest in or to obtain temporary control of the assisted property in order to protect the financial interest of the City upon general default of the borrower or when foreclosing by a lien holder would seriously affect the investment of the City in the property and loan program.

3. Sales

The City Manager, upon recommendation of the Director of Planning and Development, may sell, lease, convey or otherwise transfer any real estate acquired by the City pursuant to a foreclosure of a deed of trust securing a loan under the Residential Loan Program, Rental Loan Program, Small Business Development Loan Program or any other revolving loan program administered by the LCRA or Department of Planning and Development. Notwithstanding any other ordinance to the contrary, any such sale, lease, conveyance, transfer or other disposition of real estate thus acquired by the City shall conform to the following procedure:

- a. Prior to advertizing a sale, the Loan Committee may, with the approval of the Director of Planning and Development, negotiate with a neighborhood non-profit in order to dispose of the property. Disposal under this procedure shall protect the financial interest of the City and allow for the provision of affordable housing.
- b. The Loan Committee shall, with the approval of the Director of Planning and Development, advertise for the sale, lease, conveyance, transfer or other disposition of the real estate in a newspaper, magazine or other publication generally recognized in the Community as a real estate marketing medium.

- c. The Loan Committee shall receive and evaluate offers, and may negotiate such further terms and conditions as advance the purposes of the Loan programs. Where public knowledge might adversely affect the legal consideration, offers, negotiations and related documents shall remain closed records until completion of the lease or sale of the real estate.
- d. The Loan Committee may, with the approval of the Director of Planning and Development, enter into a contract for the sale, lease, conveyance, transfer or other disposition of the real estate, with actual closure of the transaction contingent upon the approval of the City Manager.
- e. The Loan Committee, with the approval of the Director of Planning and Development, shall have the authority to provide financing for the disposition of property by using both deferred and/or amortized loans.
- f. The City Manager is authorized to execute all deeds, leases or other instruments necessary to close the sale, lease, conveyance, transfer or other disposition of the real estate.

4. Write-offs

The Director of the Planning and Development is authorized, upon recommendation of the Loan Committee, to write off a debtor's liability for the portion of indebtedness which is in excess of the property's fair market value when the property is sold under the following circumstances. Nothing contained herein shall be deemed to allow the forgiveness of any debt in contravention of Article 3, Section 39 of the Missouri Constitution.

- 1. Bankruptcy
- 2. Foreclosure
- 3. Conveyance by deed in lieu of foreclosure
- 4. The property was liquidated to help pay debtor's uninsured medical or nursing home expenses.
- 5. For the MINOR AND EMERGENCY HOME REPAIR LOANS see Chapter 2, Paragraph H.

5. Sanctions for Noncompliance

Many of the provisions of loans are regulatory or statutory in nature and compliance must be assured under the terms for use of funds by State or Federal entities. The Loan Committee is authorized to utilize broad discretion to invoke sanctions other than foreclosure against borrowers who violate regulatory or statutory provisions that govern City loans. Sanctions shall include monetary fees or liquidated damages as a deterrent or assessment of up to 1% interest rate increase to loans for noncompliance. Such an assessment may be progressively increased by up to 1% for each six months period that the borrower remains in noncompliance not to exceed the statutory usury laws of the State of Missouri.

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 01-05-16

Sponsored by: Fulnecky

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 019

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the 2015-2016 budget of the Springfield-Greene County 9-1-1 Emergency
2 Communications Department (9-1-1 ECD) in the amount of \$176,876 to
3 appropriate the 9-1-1 Sales Tax revenue for funding the salaries and
4 benefits of six (6), Telecommunicator positions and one (1), 9-1-1
5 Manager position. (9-1-1 Advisory Board recommends approval.)
6
7

8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
9 MISSOURI, as follows, that:

10
11 Section 1 – The budget for Fiscal Year 2015-2016 of the Springfield-Greene
12 County 9-1-1 Emergency Communications Department is hereby amended in the
13 accounts and in the amounts as shown on Budget Adjustment No.0029, a copy of which
14 is attached hereto and incorporated herein by reference as “Exhibit A.”
15

16 Section 2 - The City Council finds that the budget adjustment made above has
17 been recommended by the City Manager.
18

19 Section 3 - The City Manager is directed to cause the appropriate accounting
20 entries to be made in the books and records of the City.
21

22 Section 4 - This ordinance shall be in full force and effect from and after passage.
23

24 Passed at meeting: _____
25
26

27
28 _____
29 Mayor

30 Attest: _____, City Clerk
31

32 Filed as Ordinance: _____
33

34

35 Approved as to form: *Mariann Henderson Berkey*, Assistant City Attorney

36

37

38 Approved for Council action: *Greg Burt*, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 019

FILED: 01-05-16

ORIGINATING DEPARTMENT: Springfield-Greene County 9-1-1 Emergency
Communications Department

PURPOSE: To amend the budget adjustment of the Springfield-Greene County 9-1-1 Emergency Communications Department (9-1-1 ECD) for Fiscal Year 2015-2016, in the amount of \$176,876. This is to appropriate the 9-1-1 Sales Tax in order to cover salaries and benefits for six (6), 9-1-1 Telecommunicator positions and one (1), 9-1-1 Manager position.

BACKGROUND INFORMATION: The 9-1-1 Advisory Board recommended approval to "unfreeze" 7, existing positions for Calendar Year (CY) 2016 budget, based on estimated revenues. These 7 authorized positions have been frozen since the 9-1-1 sales tax that was passed in 2007 due to budget constraints. In addition, the City Manager froze all city vacancies in 2009.

The 9-1-1 ECD is on the Greene County calendar-year budget cycle. Funding for these positions was approved by the County Commission in the Greene County CY 2016 budget on January 8, 2016. This budget adjustment is for the time frame of January-June, 2016 of the City's Fiscal Year 2016 budget. The estimated amount for the seven positions includes salary and benefits. The salaries and benefits will be completely reimbursed to the City through the countywide 9-1-1 sales tax.

REMARKS: The 9-1-1 Emergency Communications Department and the 9-1-1 Board recommend approval of the budget adjustment.

Submitted by:

Recommended by:

Zim Schwartz, Director 9-1-1 ECD



Collin Quigley, Assistant City Manager

Approved by:



Greg Burris, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit

BA Number 0029

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
25020	7	23010	401510	000000	00000	\$ 176,186	Sales Tax
Net Revenue Adjustment						\$ 176,186	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
25020	7	23010	500110	000000	00000	112,902	Base Salaries
25020	7	23010	500250	000000	00000	9,327	FICA
25020	7	23010	500210	000000	00000	19,511	LAGERS
25020	7	23010	500280	000000	00000	6,773	Workers Compensation
25020	7	23010	500260	000000	00000	20,370	Health Insurance
25020	7	23010	500120	000000	00000	7,303	Overtime
Net Expenditure Adjustment						\$ 176,186	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation:

The 911 Advisory Board recommended approval to 'unfreeze' seven (7) positions for CY16 budget based on estimated revenues. Funding for these positions was approved by the County Commission. In order to cover salaries and benefits for the employees, a budget adjustment is needed to allocate additional funding from the 911 Sales Tax to the City of Springfield for the January-June, 2016 time period.

Requested By:

Approved By:

Authorization:

Department Head 1/6/16
Date

Mary Mann O'Decker 1/6/16
Director of Finance Date

City Manager Date

Council Bill No. 2016-019
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 7
Filed: 01-065-16

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 020

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an addendum to the
2 annual agreement with the Springfield Convention and Visitors
3 Bureau, Inc., (SCVB) and amending the budget of the City for Fiscal
4 Year 2015-2016 to reflect current and projected operational changes.
5
6

7 WHEREAS, the SCVB contracts annually with the City to produce economic
8 impact in the City by generating overnight travel; and
9

10 WHEREAS, the SCVB and the City desire to amend the annual agreement to
11 reflect current and projected operational expenses; and
12

13 WHEREAS, an amendment to the budget of the City's tourism and convention
14 fund for Fiscal Year 2015-2016 has been recommended by the City Manager.
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 Manager, or his designee, is hereby authorized to enter into
20 an addendum to the annual agreement with the SCVB, said addendum to be
21 substantially in form and content as the document attached hereto and incorporated
22 herein by reference as "Exhibit A."
23

24 Section 2 – The budget of the City for Fiscal Year 2015-2016 is hereby amended
25 in the accounts and in the amounts shown on Budget Adjustment No. 0024, a copy of
26 which is attached hereto and incorporated herein by reference as "Exhibit B."
27

28 Section 3 – The City Council hereby finds that the budget adjustment made
29 above has been recommended by the City Manager.
30

31 Section 4 – The City Manager is directed to cause the appropriate accounting
32 entries to be made in the books and records of the City.
33

34 Section 5 – This ordinance shall be in full force and effect from and after
35 passage.

36
37 Passed at meeting: _____

38
39 _____
40 Mayor

41
42 Attest: _____, City Clerk

43
44 Filed as Ordinance: _____

45
46 Approved as to form: Achale T. Wudu, Assistant City Attorney

47
48 Approved for Council action: Greg Burns, City Manager

EXPLANATION TO COUNCIL BILL NO. 2016 - 020

FILED: 01-05-16

ORIGINATING DEPARTMENT: Springfield Convention & Visitors Bureau, Inc.

PURPOSE: Approving an addendum to the Springfield Convention & Visitors Bureau, Inc. (SCVB) annual agreement and amending the budget of the City for Fiscal Year 2015-2016 to reflect current and projected operational changes.

BACKGROUND: The SCVB contracts annually with the City to produce economic impact in the city by generating overnight travel. Exhibits to the annual agreement include the operating budget and marketing plan; an addendum is necessary to amend the contract and its exhibits.

The SCVB's total revenue budgeted for Fiscal Year 2015-2016 was \$3,284,200. This addendum increases the total revenue budget to \$3,364,840 and increases budgeted expenditures from \$3,284,200 to \$3,364,840. The revenue increase is a combination of an increase in room tax revenue (\$39,500), and the airport's participation in the One Jet Jaunts campaign (\$20,000). The remaining amount is a combination of increases and decreases in other revenue accounts. The operating budget and marketing plan expenses are increased to accommodate board-approved expenditures and to reflect current and projected operational changes, as proposed in the addendum and the budget adjustment 'Exhibits A and B.' Some significant budget additions include an update to the 2011 Hunden Report on convention competitiveness, a marketing campaign promoting "One Jet Jaunts" to cities with direct air service to Springfield, various changes in scheduled media advertising and a new board room table and chairs.

REMARKS: This addendum and budget adjustment has been approved by the SCVB's 15-member board appointed by the Mayor and confirmed by City Council.

Submitted by:



Tracy Kimberlin, President/CEO

Approved by:



Greg Burris, City Manager

Exhibit A

ROUTING ORDER	(1) ORIGINATING DEPT.	(2) CONTRACTOR	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	ADDENDUM # 01 TO CONTRACT # 2015-1418	
CITY		CONTRACTOR	
CITY OF SPRINGFIELD 840 BOONVILLE, P.O. BOX 8368 SPRINGFIELD, MO 65802 PHONE: 417-864-1000 ATTN: SHARON SMITH DEPT.: CITY MANAGER		SPRINGFIELD CONVENTION & VISITORS BUREAU, INC. 815 EAST ST. LOUIS, SUITE 100 SPRINGFIELD, MO 65806 PHONE: 417-881-5300 ATTN: MR. TRACY KIMBERLIN	

ADDENDUM

Entered into this ____ day of _____, 20__, for good and valuable consideration, the undersigned hereby agree that this Addendum shall become part of that certain Contract executed on the 13th day of August, 2015, by the parties identified above.

The parties agree as follows:

1. That **Exhibit 2** titled "Springfield Convention and Visitors Bureau, Proposed Budget 2015/2016 RECAP" is deleted and replaced with the **Exhibit 2** titled "Springfield Convention and Visitors Bureau, Revised Proposed Budget 2015/2016 RECAP" attached hereto and incorporated by reference.
2. That all other provisions of the aforementioned Contract shall remain in full force and effect.
3. That this Addendum together with the Contract contain the entire agreement of the parties. No modification, amendment or waiver of any of the provisions of this Contract shall be effective unless in writing specifically referring hereto, and signed by both parties.

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

Attest:

Springfield Convention & Visitors Bureau, Inc.

Tracy Kimberlin, Secretary

By: _____
Brad Danzak, Chairman

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.

CITY OF SPRINGFIELD, MISSOURI

Mary Mannix-Decker, Director of Finance

By: _____
Collin Quigley, Assistant City Manager

APPROVED AS TO FORM

Dan Wichmer, City Attorney

Springfield Convention and Visitors Bureau
Revised Proposed Budget 2015/2016
RECAP

<u>Account Description</u>	<u>Account</u>	<u>Original 2015/2016 BUDGET</u>	<u>Proposed Revised 2015/2016 BUDGET</u>	<u>Variance</u>	<u>Percent Increase/ Decrease</u>
REVENUE					
Room Taxes	401540	\$2,232,500	\$2,272,000	\$39,500	1.8%
Interest Earnings	410010	3,100	3,900	\$800	25.8%
Advertising Revenues	413010	374,000	368,845	(\$5,155)	-1.4%
Co-op Revenue	416020	586,750	626,500	\$39,750	6.8%
Partnership Revenue	414110	20,000	20,000	\$0	0.0%
Miscellaneous Revenue	414100	67,850	73,595	\$5,745	8.5%
TOTAL REVENUE		\$3,284,200	\$3,364,840	\$80,640	2.5%
Fund Balance Transfer		\$0	\$0	\$0	N/A
GRAND TOTAL REVENUE		\$3,284,200	\$3,364,840	\$80,640	2.5%
EXPENSES					
PAYROLL					
FT Payroll	500110	\$914,602	\$915,690	\$1,088	0.1%
PT Payroll	500130	7,800	6,810	(\$990)	-12.7%
Retirement	500210	91,135	87,085	(\$4,050)	-4.4%
FICA	500250	64,344	63,365	(\$979)	-1.5%
Health Insurance	500260	159,776	142,895	(\$16,881)	-10.6%
Workers Compensation	500280	2,600	1,930	(\$670)	-25.8%
TOTAL PAYROLL		\$1,240,257	\$1,217,775	(\$22,482)	-1.8%
ADMINISTRATIVE					
Auditing and Accounting	504510	\$2,815	\$2,815	\$0	0.0%
Automobiles	502040	5,755	5,755	\$0	0.0%
Building Rental	505820	122,824	124,800	\$1,976	1.6%
Credit Card Fees	502070	5,000	5,200	\$200	4.0%
Data Processing	502140	2,125	1,890	(\$235)	-11.1%
Dues and Subscriptions	502290	31,295	29,720	(\$1,575)	-5.0%
Equipment Repair	502750	13,040	12,915	(\$125)	-1.0%
Insurance Premiums	502230	10,344	9,955	(\$389)	-3.8%
Minor Office Furn/Supplies	501190	550	325	(\$225)	-40.9%
Misc. A & G	501260	9,495	10,785	\$1,290	13.6%
Office Supplies	501240	7,660	7,020	(\$640)	-8.4%
Other Professional Services	504580	1,800	4,140	\$2,340	130.0%
Postage and Freight	502220	7,060	6,090	(\$970)	-13.7%
Printing and Binding	502380	1,000	1,000	\$0	0.0%
Telephone	505550	10,140	10,450	\$310	3.1%
Training Expense	504590	33,100	34,300	\$1,200	3.6%
TOTAL ADMINISTRATIVE		\$264,003	\$267,160	\$3,157	1.2%
MARKETING EXPENSES					
ADVERTISING					
Ad Production	505010	\$119,400	\$134,400	\$15,000	12.6%
Billboards	505020	0	0	\$0	N/A
Brochure and Printed Material	505030	83,900	79,735	(\$4,165)	-5.0%
Direct Mail	505050	27,320	24,765	(\$2,555)	-9.4%
Other Advertising	505060	485,750	537,850	\$52,100	10.7%
Print Advertising	505070	290,920	235,435	(\$55,485)	-19.1%
Radio and TV Advertising	505080	300,000	300,000	\$0	0.0%
TOTAL ADVERTISING		\$1,307,290	\$1,312,185	\$4,895	0.4%
TRAVEL	505690	\$34,925	\$37,055	\$2,130	6.1%
OTHER MARKETING					
Market Research	502470	\$33,475	\$37,145	\$3,670	11.0%
Group Incentives	502120	65,200	63,950	(\$1,250)	-1.9%
Entertainment	502200	5,900	5,650	(\$250)	-4.2%
Exhibition Fees	504640	35,545	39,400	\$3,855	10.8%
FAM Tour Expense	504650	15,000	14,885	(\$115)	-0.8%
Misc. Marketing Expense	502280	164,830	218,395	\$53,565	32.5%
Photo Processing	502360	0	0	\$0	N/A
Public Relations	502400	38,535	39,910	\$1,375	3.6%
Speciality Items	504620	16,950	20,730	\$3,780	22.3%
Receptions	504660	1,400	1,150	(\$250)	-17.9%
TOTAL OTHER MARKETING		\$376,835	\$441,215	\$64,380	17.1%
TOTAL MARKETING		\$1,719,050	\$1,790,455	\$71,405	4.2%
CONVENTION SERVICES					
Misc. Convention Services	504540	\$11,940	\$11,940	\$0	0.0%
Shuttle Service	504610	2,800	2,200	(\$600)	-21.4%
TOTAL CONVENTION SERVICES		\$14,740	\$14,140	(\$600)	-4.1%
CONTINGENCY	502780	\$6,000	\$3,000	(3,000)	-50.0%
CAPITAL EXPENSES					
Office Furniture and Equipment	508110	\$15,000	\$47,280	\$32,280	215.2%
Computer Hardware	501220	10,650	10,930	\$280	2.6%
Computer Software	501230	5,900	5,400	(\$500)	-8.5%
Other Equipment	508170	1,600	1,700	\$100	6.3%
Destination Springfield	508220	7,000	7,000	\$0	0.0%
TOTAL CAPITAL EXPENSES		\$40,150	\$72,310	\$32,160	80.1%
GRAND TOTAL EXPENSES		\$3,284,200	\$3,364,840	\$80,640	2.5%

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

BA Number 0024

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
29510	09	22010	401540	000000	00000	\$ 39,500	ROOM TAX REVENUE
29510	09	22010	410010	000000	00000	800	INTEREST EARNINGS
29510	09	22010	413010	000000	00000	(5,155)	ADVERTISING REVENUE
29510	09	22010	414100	000000	00000	5,745	MISCELLANEOUS REVENUE
29510	09	22010	416020	000000	00000	39,750	CO-OP ADVERTISING REVENUE
Net Revenue Adjustment						\$ 80,640	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
29510	09	22010	500110	000000	00000	\$ 1,087	FT PAYROLL
29510	09	22010	500130	000000	00000	(990)	PT PAYROLL
29510	09	22010	500210	000000	00000	(4,050)	RETIREMENT
29510	09	22010	500250	000000	00000	(979)	FICA
29510	09	22010	500260	000000	00000	(16,880)	HEALTH INSURANCE
29510	09	22010	500280	000000	00000	(670)	WORKERS COMPENSATION
29510	09	22010	505820	000000	00000	1,976	BUILDING RENTAL
29510	09	22010	502070	000000	00000	200	CREDIT CARD FEES
29510	09	22010	502140	000000	00000	(235)	DATA PROCESSING
29510	09	22010	502290	000000	00000	(1,575)	DUES & SUBSCRIPTIONS
29510	09	22010	502750	000000	00000	(125)	EQUIPMENT REPAIR
29510	09	22010	502230	000000	00000	(389)	INSURANCE PREMIUMS
29510	09	22010	501190	000000	00000	(225)	MINOR OFFICE FURN/SUPPLIES
29510	09	22010	501260	000000	00000	1,290	MISC. A & G
29510	09	22010	501240	000000	00000	(640)	OFFICE SUPPLIES
29510	09	22010	504580	000000	00000	2,340	OTHER PROFESSIONAL SERV.
29510	09	22010	502220	000000	00000	(970)	POSTAGE AND FREIGHT
29510	09	22010	505550	000000	00000	310	TELEPHONE
29510	09	22010	504590	000000	00000	1,200	TRAINING EXPENSE
29510	09	22010	505010	000000	00000	15,000	AD PRODUCTION
29510	09	22010	505030	000000	00000	(4,165)	BROCHURES & PRINTED MAT.
29510	09	22010	505050	000000	00000	(2,555)	DIRECT MAIL
29510	09	22010	505060	000000	00000	52,100	OTHER ADVERTISING
Net Expenditure Adjustment						Page 1 of 2	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: This revision is necessary to accommodate adjustments to line items reflecting current and projected operational changes.

Requested By:

Tracy Knebelin 1/6/16
Department Head Date

Approved By:

Mary Mann O'Donoghue 1/6/16
Director of Finance Date

Authorization:

Council Bill No. 2016-020
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

BA Number 0024

Revenues:

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

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
29510	09	22010	505070	000000	00000	(55,485)	PRINT ADVERTISING
29510	09	22010	505690	000000	00000	2,130	TRAVEL EXPENSES
29510	09	22010	502470	000000	00000	3,670	MARKET RESEARCH
29510	09	22010	502120	000000	00000	\$ (1,250)	GROUP INCENTIVES
29510	09	22010	502200	000000	00000	(250)	ENTERTAINMENT
29510	09	22010	504640	000000	00000	3,855	EXHIBITION FEES
29510	09	22010	504650	000000	00000	(115)	FAM TOUR EXPENSES
29510	09	22010	502280	000000	00000	53,565	MISC. MARKETING
29510	09	22010	502400	000000	00000	1,375	PUBLIC RELATIONS
29510	09	22010	504620	000000	00000	3,780	SPECIALTY ITEMS
29510	09	22010	504660	000000	00000	(250)	RECEPTIONS
29510	09	22010	504610	000000	00000	(600)	SHUTTLE SERVICE
29510	09	22010	502780	000000	00000	(3,000)	CONTINGENCY
29510	09	22010	508110	000000	00000	32,280	OFFICE FURNITURE & EQUIP.
29510	09	22010	501220	000000	00000	280	COMPUTER HARDWARE
29510	09	22010	501230	000000	00000	(500)	COMPUTER SOFTWARE
29510	09	22010	508170	000000	00000	100	OTHER EQUIPMENT
Net Expenditure Adjustment						\$ 80,640	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: This revision is necessary to accommodate adjustments to line items reflecting current and projected operational changes.

Requested By:

Approved By:

Authorization:

Department Head Date

Director of Finance Date

City Manager Date

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

One-rdg. X
P. Hrngs. _____
Pgs. 5
Filed: 01-05-16

Sponsored by: Burnett

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 021

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 APPROVING the plans and specifications for the State Highway 744 (Kearney
2 Street) and Mulroy Road Roadway and Signal Improvements Project,
3 Plan No. 2015PW0031T, accepting the bid of Ewing Signal
4 Construction, LLC for that project, and authorizing the City Manager, or
5 his designee, to enter into a contract with such bidder.
6
7

8 WHEREAS, Ewing Signal Construction, LLC is the lowest responsive and
9 responsible bidder for the State Highway 744 (Kearney Street) and Mulroy Road
10 Roadway and Signal Improvements Project, Plan No. 2015PW0031T (Exhibit A).
11

12 WHEREAS, this project will include traffic signal installation and intersection
13 roadway improvements to add an eastbound right-turn lane and northbound left-turn
14 lane; and
15

16 WHEREAS, this project is funded by the 1/8-Cent Transportation Sales Tax; and
17

18 WHEREAS, Greene County shall reimburse the City for 50% of the cost pursuant
19 to a cost-share agreement that was approved by Council in Council Bill 2015-205 on
20 August 24, 2015.
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 City Council hereby approves the plans and specifications of the
26 State Highway 744 (Kearney Street) and Mulroy Road Roadway and Signal
27 Improvements Project, Plan No. 2015PW0031T, and accepts the bid of Ewing Signal
28 Construction, LLC for that project at the price and sum set forth in said bid, except as
29 said sum may be lawfully increased or decreased by the actual quantities of work units
30 involved. The City Manager, or his designee, is hereby authorized to enter into a
31 contract with said bidder for such work in accordance with the terms of the bid, the
32 plans, and the specifications.
33

EXPLANATION TO COUNCIL BILL NO: 2016- 021

FILED: 01-05-16

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To approve the plans and specifications for Roadway and Signal Improvements Project, Plan No. 2015PW0031T at State Highway 744 (Kearney Street) and Mulroy Road, accepting the bid of Ewing Signal Construction, LLC for that project, and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

BACKGROUND INFORMATION: The project will include traffic signal installation and intersection roadway improvements to add an eastbound right-turn lane and northbound left-turn lane. The traffic signal, which will be operated and maintained by the Missouri Department of Transportation (MoDOT) upon completion, will be wired into a new railroad flashing light and gate system to allow for traffic signal preemption operation when activated by a train crossing on the south leg of the intersection "Exhibit A." The new railroad flashing light and gate system installation and new concrete roadway surface construction at the railroad crossing are not part of this contract; however, this work will be performed by BNSF Railway Company in coordination with the project.

Bids were solicited for this project by advertising in the *Daily Events* from November 20, 2015 through November 24, 2015. Bids were opened on December 15, 2015 at 10:00 a.m., with the following bids received:

<u>Contractor</u>	<u>Bid Amount</u>
Ewing Signal Construction, LLC	\$348,785.25
Hartman and Company, Inc.	\$394,360.00
Engineer's Estimate	\$379,251.75

The low bid, if accepted, will be funded from the 1/8-Cent Transportation Sales Tax. Greene County will reimburse for 50 percent of the cost through a cost share agreement that was previously submitted and budgeted on a separate Council bill (2015-205). Therefore, the City's net cost for this contract is \$174,392.63.

Supports the following Field Guide 2030 goal(s): Chapter 12, Transportation; Major Goal 2, Operations and Maintenance, The City of Springfield should continue to maintain streets, sidewalks, trails, and the airport using the most effective strategies to maximize the efficient operation of the existing systems, keeping in mind safety, accessibility, sustainability and collaboration; Objective 2a, Keep streets and sidewalks and trails in good condition with an emphasis on arterial streets; Major Goal 4, Multi-Modal, Interconnected System, The City of Springfield should work within the region to develop, implement, and maintain a multi-modal transportation system that supports jobs, housing, education, accessibility, recreation, clean air, water conservation, and sustainability;

Objective 4a, Create a Complete Streets Master Plan that is designed with a broader focus and all users in mind, including public transit users, motorist, pedestrians, bicyclist, and wheelchair users, as well as people who use other types of mobility aids and/or service animals in the course of their travel, with the ultimate goal to make walking, biking, and transit use safe and attractive. The plan should incorporate context sensitive design standards.

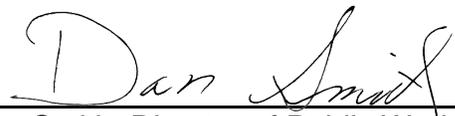
REMARKS: Public Works recommends acceptance of the bid of Ewing Signal Construction, LLC as the lowest responsible bid and passage of this ordinance.

Submitted by:



Kirk Juranas, Assistant Director of Public Works

Recommended by:



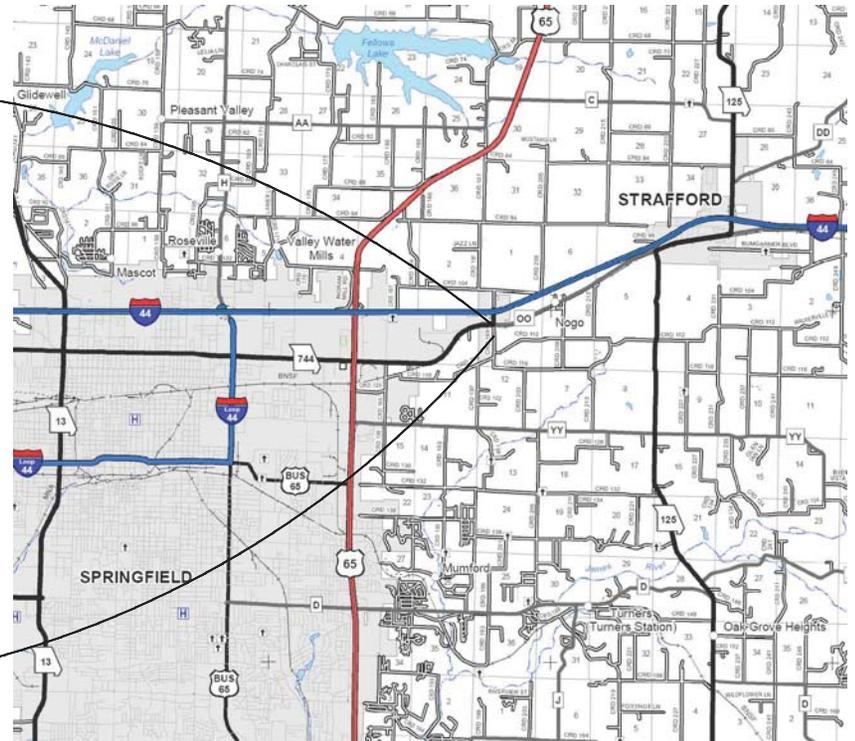
Dan Smith, Director of Public Works

Approved by:



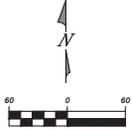
Greg Burris, City Manager

Exhibit A: Kearney & Mulroy Intersection Improvements



LEGEND :

- EXISTING RIGHT-OF-WAY
- PROPOSED PAVEMENT
- PROPOSED SHOULDER
- PROPOSED CURB AND GUTTER



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Prepared by:
CJW
 CJW Transportation Consultants,
 L.L.C.
 5051 S. National Tel: 417.889.3400
 Suite 4-110 Fax: 417.889.3402
 Springfield, MO 65810
www.GoCJW.com

One-rdg. _____
P. Hrngs. _____
Pgs. 8
Filed: 1-05-16

Sponsored by: Fisk

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 022

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to enter into a Supplemental Master Reimbursable Utility Agreement with the Missouri Highways and Transportation Commission (MHTC) to add Buy America requirements to the existing Master Reimbursable Utility Agreement for construction projects involving sanitary sewer or storm sewer relocation or adjustments.

WHEREAS, the City and MHTC entered into a Master Reimbursable Utility Agreement (Master Agreement) in 1998 for the purpose of reimbursing the City for the cost to relocate or adjust the City's facilities required by the MHTC's state-wide highway projects; and

WHEREAS, the proposed amendment to the Master Agreement adds an additional paragraph related to Buy America compliance.

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

Section 1 – The City Manager, or his designee, is hereby authorized to enter into a Supplemental Master Reimbursable Utility Agreement with MHTC, said agreement to be substantially in form and content as that document attached hereto and incorporated herein by reference as “Exhibit A.”

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

Passed at meeting: _____

Mayor

47 Attest: _____, City Clerk

48

49 Filed as Ordinance: _____

50

51 Approved as to form: Amanda R. Callaway, Assistant City Attorney

53

54

55 Approved for Council action: [Signature], City Manager

EXPLANATION TO COUNCIL BILL NO: 2016-022

FILED: 01-05-16

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into a supplemental agreement with the Missouri Highways and Transportation Commission (MHTC) to add Buy America requirements to the existing Master Reimbursable Utility Agreement for construction projects involving sanitary sewer or storm sewer relocations or adjustments.

BACKGROUND INFORMATION: Ordinance 23534, adopted by Council December 14, 1998, authorizes the City Manager to enter into a Master Reimbursable Utility Agreement with MHTC for the purpose of allowing reimbursement of the City's costs to relocate or adjust sanitary sewer and storm sewer facilities when required by the Commission's state-wide highway projects. A Buy America Requirement Compliance clause is being added to this agreement in order to assure that the latest federal requirements are met.

The attached agreement (Exhibit A) adds the Buy America Requirement to the Master Reimbursable Utility Agreement.

This supports the following Field Guide 2030 goal: Chapter 12, Transportation; Major Goal 2, Operations and Maintenance The City of Springfield should continue to maintain streets, sidewalks, trails and the airport, using the most effective strategies to maximize the efficient operation of the existing systems, keeping in mind safety, accessibility, sustainability, and collaboration; Objective 2d, The City of Springfield should coordinate operations and maintenance efforts with Greene County, the State of Missouri, rail, and transit to ensure a seamless connection to the regional system.

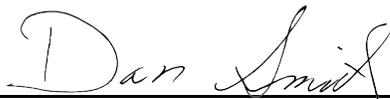
REMARKS: Public Works recommends approval of this Council bill.

Submitted by:



Kirk Juranas, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Greg Burris, City Manager

CCO Form: UT
Approved:
Revised: 03/14 (AR)
Modified:

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
FIRST SUPPLEMENTAL MASTER REIMBURSABLE UTILITY AGREEMENT**

THIS FIRST SUPPLEMENTAL MASTER REIMBURSABLE UTILITY AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and City of Springfield, Missouri (hereinafter, "**City**").

WITNESSETH:

WHEREAS, on January 11, 1999, the **City** and Commission entered into a Master Reimbursable Utility Agreement (hereinafter, "Original Agreement").

WHEREAS, the parties desire to revise the Original Agreement as provided in this First Supplemental Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

(1) ADDITION OF PARAGRAPH (21): The following paragraph is hereby added to the Original Agreement:

(21) BUY AMERICA REQUIREMENT COMPLIANCE: The **Company** agrees to abide by the provisions of the Buy America requirements as found in 23 USC 313 and 23 CFR 635.410 for the Commission's Federal-Aid Construction Program.

(A) Buy America Compliance Certification: The **City** certifies that when determining products/materials subject to Buy America requirements to use in the performance of this Agreement, it shall use only such products/materials for which it has received a certification from its supplier, or provider of construction services that procures the product/material, certifying compliance with Buy America requirements. This does not include products/materials for which waivers have been granted pursuant to 23 CFR 635.410 or those products/materials that are excluded from compliance with Buy America requirements in the Commission's Engineering Policy Guide 643.2.1.43. The **City** will not be required to provide the Commission copies of the supplier certification as part of this Agreement or with the final invoice of said Commission's Federal-Aid Highway Construction Project.

(B) Buy America Record Retention: The **City** agrees to retain all Buy America compliance documents obtained pursuant to paragraph (20)(A) above, for a period of time of no less than 3 years after the receipt of the final reimbursement for the project by FHWA of said Commission's Federal-Aid Highway Construction Project in accordance with 49 CFR 18.42 (b) and (c). All Buy America compliance documents shall be made available upon request of, and at no cost to, the Commission and/or Federal Highway Administration.

(2) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this First Supplemental Agreement, the Original Agreement between the parties shall remain in full force and effect.

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

Executed by the **City** this ____ day of _____, 20__.

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

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD, MISSOURI

By _____

Title _____

ATTEST:

Secretary to the Commission

Approved as to Form:

Commission Counsel

Print Name _____

Title _____

ATTEST:

By _____

Title _____

Approved as to Form:

Title _____

(Seal, if available)

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed: 01-05-16

Sponsored by: Burnett

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 024

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an agreement with
2 New Prime, Inc. (New Prime) for the purpose of completing Packer
3 Road improvements from the Missouri Department of Transportation's
4 (MoDOT) north property line to Jean Street.
5
6

7 WHEREAS, the City and New Prime desire to enter into an agreement to share
8 costs associated with the extension of Packer Road from MoDOT's north property line
9 to Jean Street; and
10

11 WHEREAS, the parties will each be responsible for 50 percent of the cost of this
12 improvement; and
13

14 WHEREAS, this roadway improvement will benefit the citizens of the City and
15 county.
16

17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
18 SPRINGFIELD, MISSOURI, as follows, that:
19

20 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
21 a cost-share agreement with New Prime, said agreement to be in substantially the form
22 as that document attached hereto and incorporated herein by reference as "Exhibit 1."
23 attached hereto as if incorporated herein.
24

25 Section 2 – This ordinance shall be in full force and effect from and after
26 passage.
27

28 Passed at meeting: _____
29
30
31

32 Mayor
33

34 Attest: _____, City Clerk

35

36 Filed as Ordinance: _____

37

38

39 Approved as to form: Amanda R. Callaway, Assistant City Attorney

40

41

42 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO. 2016 - 024

FILED: 01-05-16

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into an agreement "Exhibit 1," with New Prime, Inc. (New Prime), for the purpose of completing Packer Road improvements from the Missouri Department of Transportation (MoDOT) north property line to Jean Street.

BACKGROUND INFORMATION: The City and New Prime, Inc. desire to enter into an agreement to extend Packer Road from MoDOT's north property line to Jean Street for each party's benefit and for the benefit of the citizens of Springfield, Missouri.

The estimated cost for design and construction of this project is \$292,500 and will be shared equally by the City and New Prime. The City's share is estimated at \$146,250 and will be funded by the 1/4-Cent Capital Improvement Sales Tax, and is already budgeted. New Prime will administer the design and construction of this project with the City contributing 50 percent funding to New Prime.

Supports the following Field Guide 2030 goals: Chapter 12, Transportation; Major Goal 2, Operations and Maintenance The City of Springfield should continue to maintain streets, sidewalks, trails, and the airport, using the most effective strategies to maximize the efficient operation of the existing systems, keeping in mind safety, accessibility, sustainability, and collaboration; Objective 2a, Keep streets and sidewalks and trails in good condition with an emphasis on arterial streets; and Major Goal 3, Economic Development Encourage economic growth and vitality for Springfield and the region by providing transportation infrastructure and facilities that ensure opportunities for future economic development and promote desired growth; Objective 3b, Continue the development of north/south and east/west corridors that would facilitate linkages and relief routes within Springfield and between the surrounding communities. Develop a process for the continued planning and preservation of new roadway corridors and alignments in anticipation of future development, to improve connectivity, and to relieve congestion. Developing connections between Springfield and the surrounding communities should be a high priority and a collaborative effort, specifically through the coordination of each community's Major Thoroughfare Plan.

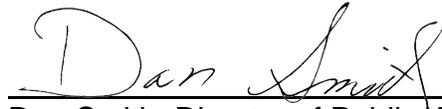
RECOMMENDATIONS: Public Works recommends passage of this Council bill.

Submitted by:



Kirk Juranas, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Greg Burris, City Manager

ROUTING ORDER	(1) PUBLIC WORKS	(2) PRIME	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFC.	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
() NEW CONTRACT		() RENEWAL OF CONTRACT No. _____	
CITY		PRIME	
CITY OF SPRINGFIELD 840 BOONVILLE, PO Box 8368 SPRINGFIELD, MO 65802 PHONE (417) 864-1645 FAX (417) 864-1551 ATTN: MARILYN DAY, CONTRACT ADMINISTRATOR DEPT: LAW DEPARTMENT		NEW PRIME, INC. DBA PRIME, INC. 2740 N. MAYFAIR P.O. Box 4208 SPRINGFIELD, MO 65808 PHONE: (417) 866-0001 ATTN: MARK PILEY DIRECTOR OF FACILITY MAINTENANCE	

AGREEMENT TO COMPLETE OFF-SITE IMPROVEMENTS

THIS AGREEMENT TO COMPLETE OFF-SITE IMPROVEMENTS ("Agreement"), is made and entered into this ____ day of _____, 2015, by and between New Prime, Inc., dba Prime, Inc. (hereinafter referred to as "Prime"), and the City of Springfield, Missouri, a municipal corporation of the State of Missouri, hereinafter called "City".

WITNESSETH:

WHEREAS, Prime desires to provide road access to the property legally described and depicted on Exhibit A, which is currently owned by Prime (the "Property"); and

WHEREAS, for purposes of such access to the Property, Prime has agreed to design and construct certain roadway infrastructure improvements (the "Developer Road Project") over the right-of-way property depicted on Exhibit B and marked as the "Road Improvement Area"; and

WHEREAS, half of the real property within the Road Improvement Area was previously dedicated as right-of-way to the City through a subdivision process, and therefore, Prime owns and agrees to dedicate the other half of real property as right-of-way needed to complete the right-of-way needs for the Road Improvement Area. The City hereby agrees to permit Prime to design and construct the Developer Road Project, subject to the terms of this Agreement; and

WHEREAS, there is an existing Cost Share Agreement (City Contract #2014-0377) between the City and MoDOT to construct Packer Road from Kearney Street to the limits of the Road Improvement Area and improve the intersection of Kearney Street and Packer Road with installation of a traffic signal (the "Public Road Project"); and

WHEREAS, there is an existing Cost Share Agreement between the City and Prime to share in the cost of constructing Packer Road from Kearney Street to the limits of the Road Improvement Area to a standard needed to accommodate heavy truck traffic; and

WHEREAS, the City desires that said Developer Road Project and other roadway infrastructure improvements be completed and determines that it is in the public interest to complete the Developer Road Project and that the Developer Road Project and Public Road Project will be of significant benefit to the public.

NOW, THEREFORE, for the considerations hereinafter set forth, the City agrees (by and through MoDOT) to construct the Public Road Project and Prime agrees to construct the Developer Road Project, all upon the terms set forth, as follows:

1. Prime to Design and Construct Off-Site Improvements. Prime agrees to complete the design and construction of the Developer Road Project, depicted on Exhibit C, at the location marked as the "Road Improvement Area" on Exhibit B, in accordance with the City of Springfield General Conditions and Technical Specifications, Standard Drawing Details, and Design Standards for Public Improvements, adopted July 1, 2015, and all addenda thereto, and the plans and specifications therefore approved by the City, no later than November 1, 2016. The Developer Road Project is estimated to cost \$25,000 for design, \$17,500 for inspection, and \$250,000 for construction for a total cost of \$292,500. Prime shall be responsible to pay 50% of the actual final costs of the project with the City being responsible for the other half. Cost overruns and underruns related to the Developer Road Project will be shared equally by Prime and the City. In the case of overruns, Prime and the City shall each be responsible to pay fifty percent (50%) of any overrun amount, provided both parties mutually agree in writing to pay their respective share of such an amount. Within thirty (30) days of completion, inspection and approval by the City, the constructed Developer Road Project shall be dedicated to the City, free and clear of all liens and encumbrances, for its operation and maintenance and use by the public.

2. City (by and through MoDOT) to Design and Construct Off-Site Improvements. City agrees to complete the design and construction of the Public Road Project, generally described on Exhibit D, at the location marked as "Public Road Project" on Exhibit D, including those public improvements described in MoDOT project #J8S3019, in accordance with the latest edition of Missouri Standard Plans for Highway Construction and the Missouri Standard Specifications for Highway Construction, and the plans and specifications therefore approved by the City. The Public Road Project shall be completed at the sole cost and expense of the City (by and through MoDOT), subject to the terms of the Cost-Sharing Agreement. The City, as described above, shall be responsible for 50% of the actual final costs of the Developer Road Project, with payment made to Prime upon presentation of an invoice with appropriate documentation upon final completion of the project and after inspection and approval by the City, and dedication to the City as described in paragraph #1 above".

3. Miscellaneous Terms and Conditions.

A. Prevailing Wage. Prime acknowledges that all labor utilized in the construction of the aforementioned project 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.

B. Limitations on Work. All work done hereunder by Prime (or its contractor) shall be subject to the inspection and approval of the Director of Public Works or his authorized representative. If Prime (or its contractor) fails or refuses to construct or maintain the improvement in accordance with the approved plans, or fails to comply with the Director of Public Works directions, then the

Director of Public Works or his authorized representatives may issue a stop work order against the Developer Road Project.

C. Applicable Laws. Prime and City shall comply with all applicable federal, state, and local laws in the performance of this agreement and shall include a similar provision in all subcontracts awarded hereunder. This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri.

D. Non-Discrimination. Prime 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, or political opinion or affiliation, against any employee of Prime or applicant for employment, and shall include a similar provision in all subcontracts let or awarded hereunder.

4. Independent Contractor. Prime is an independent contractor, and nothing contained herein shall constitute or designate Prime, or any of Prime's contractors, agents or employees, as agents or employees of the City of Springfield, Missouri.

5. Liability and Indemnification. The parties mutually agree to the following:

A. In no event shall the City be liable to Prime 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 Agreement.

B. Prime shall require its contractor to contractually agree in writing to defend, indemnify, and hold the City and its agents and employees, harmless from any and all claims, losses, and liabilities for personal injuries, including death, and damage for property, which are caused by the negligence of Prime's contractor and arise out of, or are in any way connected with, construction of the Developer Road Project.

C. Prime assumes full responsibility for relations with its contractors and subcontractors, and shall defend, indemnify and save harmless the City and its officers, agents and employees, from and against, any and all liability from contractor and subcontractor suits, claims, damages, costs (including attorneys' fees), losses, outlays, and expenses in any manner caused by, arising out of or connected with performance of this contract, notwithstanding any possible contributory negligence on the part of the City or the officers, agents or employees of each.

6. Insurance. Prime shall require its contractor to procure and maintain during the construction until the Developer Road Project has been inspected, approved, and accepted by the City, insurance as hereafter specified:

A. Contractors' public liability insurance with Contractual Liability and Property Damage Insurance with a company licensed to do business in the State of Missouri with limits of liability not less than \$500,000 for any one person in a single occurrence and in an amount not less than \$3,000,000 for all claims arising out of a single occurrence or \$500,000 for any one owner for property damage.

- B. In the event operations are performed, the contractor shall be required to obtain and furnish copies to the City prior to the blasting, a certificate of blasting coverage properly executed extending property damage coverage to blasting claims with limits of \$2,000,000.
- C. Automobile liability insurance with a company authorized to do business in the State of Missouri having limits of liability of not less than \$3,000,000 for all claims arising out of a single occurrence and \$500,000 for any one person in a single occurrence.
- D. Workers' Compensation Insurance, including occupational disease provisions for all employees of contractor and subcontractors work relating to construction of the improvements for the Developer Road Project.
- E. Owner's protective liability insurance naming the City as an insured. The policy shall be for the same limit as the Contractor's Public Liability and Property Damage Insurance, and shall be underwritten by the same company.
- F. Prime shall provide City with written evidence satisfactory to the City of contractor's insurance in the form of an acceptable certificate of insurance or copies of policies.

7. No Waiver of Contract Rights. If any party shall violate any of the terms of this Agreement which are binding upon it, the other parties shall not thereby be deemed to either have waived or relinquished any term of this Agreement or to have acquiesced in any such violation thereof, unless such party has expressed such waiver or relinquishment in writing.

8. Assignment. This agreement may not be assigned by any party hereto without the express written agreement of the other parties hereto.

9. Conflicts of Interest. No salaried officer or employee of the City of Springfield, Missouri, and no member of any Board or the City Council of the City has or shall have any financial interest, direct or indirect, in this Agreement. A violation of this provision, or any of the conflict of interest provisions under Section 105.450 et seq. of RSMo., renders this contract void.

10. Applicable Law and Venue. The parties hereto agree that this agreement shall be governed by the laws of the State of Missouri and should any litigation arise out of this Agreement, the venue for such litigation shall be in the Circuit Court of Greene County, Missouri, and the parties hereto expressly waive all rights to venue inconsistent therewith.

11. Exhibits. All exhibits referenced in this Agreement are incorporated herein as if copied verbatim.

12. Signature Warranty. The parties agree and warrant that the signatories to this Agreement are fully authorized to execute this agreement on behalf of their respective entities.

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

[Signature page follows.]

IN WITNESS WHEREOF, the parties to this Agreement to Complete Off-Site Improvements have caused these presents to be executed on the date first above mentioned.

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 therefore.

Mary Mannix-Decker, Director of Finance

APPROVED AS TO FORM

Amanda Callaway, Assistant City Attorney

New Prime, Inc., dba Prime, Inc.

By: _____

Name: _____

Title: _____

Date: _____

CITY OF SPRINGFIELD, MISSOURI

By: _____
Collin Quigley, Assistant City Manager

Date: _____

STATE OF _____)
)
COUNTY OF _____)

ACKNOWLEDGMENT

On this ____ day of _____ 201__, before me personally appeared _____, to me known to be the person described in and who executed this Agreement to Complete Off-site Improvements, and acknowledged to me that he executed the same as his free act and deed and for the purposes therein stated, in his capacity as _____ for New Prime, Inc. on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal, the day and year last above written.

Notary Public In and For the State of Missouri

My commission expires: _____

STATE OF _____)
)
COUNTY OF _____)

ACKNOWLEDGMENT

On this ____ day of _____ 201__, before me personally appeared _____, to me known to be the person described in and who executed this Agreement to Complete Off-site Improvements, and acknowledged to me that he executed the same as his free act and deed and for the purposes therein stated, in his capacity as _____ for the City of Springfield, Missouri on behalf of said political subdivision.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal, the day and year last above written.

Notary Public In and For the State of Missouri

My commission expires: _____

EXHIBIT A

NEW PRIME, INC PROPERTY LEGAL DESCRIPTION

PERPETUAL STREET RIGHT OF WAY DESCRIBED AS FOLLOWS:

An easement for street right-of-way purposes varying in width and being a part of the Southeast Quarter of Section 4, Township 29 North, Range 21 West of the Fifth Principal Meridian, City of Springfield, Greene County, Missouri and more particularly described as follows:

Commencing at the Northeast corner of North Creek Industrial Park First Addition Phase I, City of Springfield, Greene County, Missouri, said point also being the Center of Section 4, Township 29 North, Range 21 West of the Fifth Principal Meridian; thence, South 01°33'32" West, along the East line of said subdivision, a distance of 724.44 feet to the POINT OF BEGINNING, thence, South 88°26'28" East, leaving said East line, a distance of 30.00 feet; thence, South 01°33'32" West parallel with the East line of said subdivision, a distance of 180.24 feet; thence, South 00°29'44" East, a distance of 421.59 feet to the South line of a property described in Book 2339 at Page 1206 of the Greene County Deed Records; thence, North 87°04'17" West, along said South line, a distance of 45.12 feet, to a point on the East line of said North Creek Industrial Park First Addition Phase I; thence, North 01°33'32" East, along said East line, a distance of 600.49 feet to the Point of Beginning, containing, 0.49 acres, more or less.

EXHIBIT B

ROAD IMPROVEMENT AREA

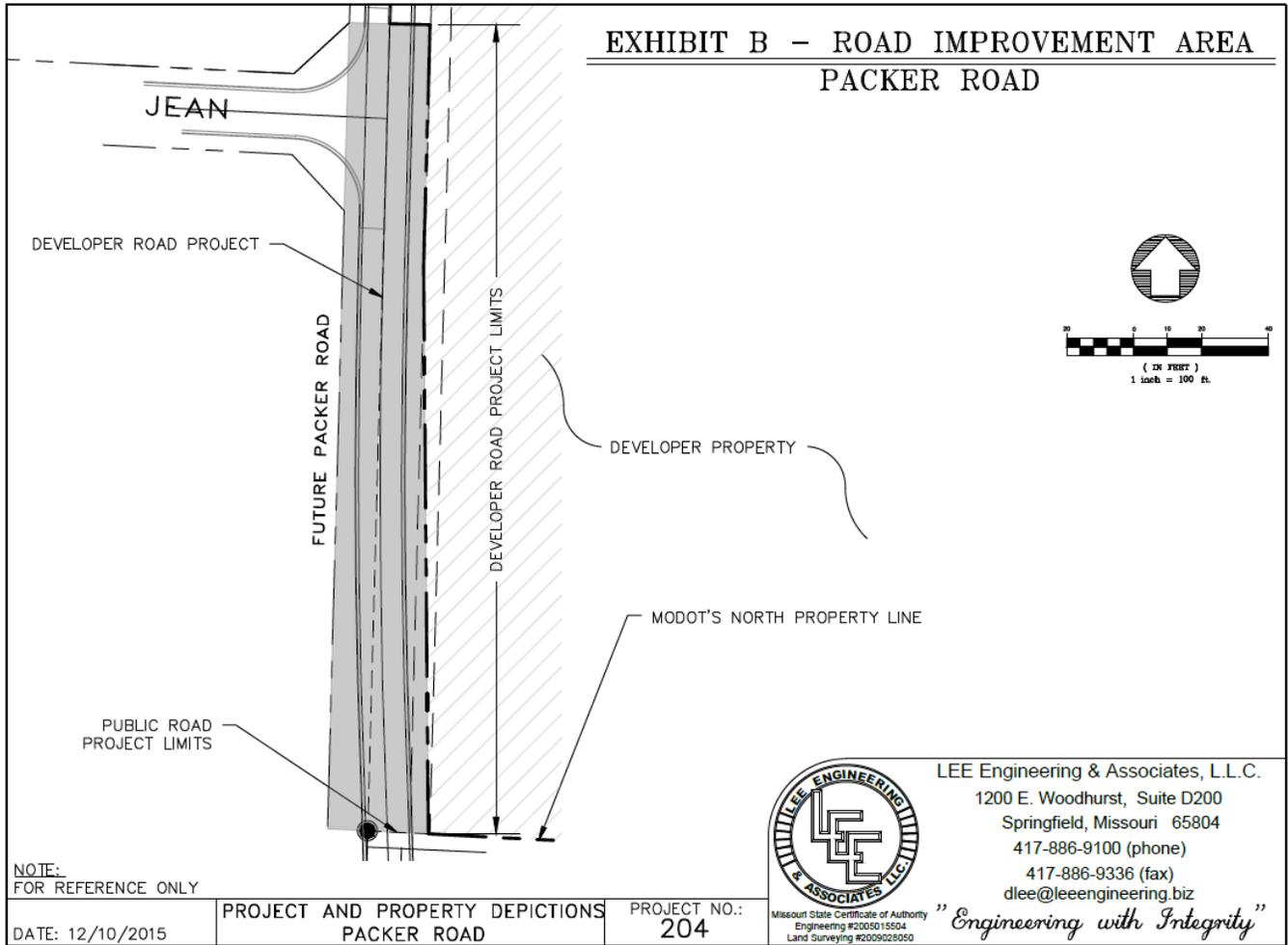
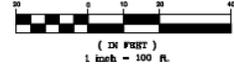


EXHIBIT C

DESIGN AND CONSTRUCTION SPECIFICATIONS- DEVELOPER ROAD PROJECT

EXHIBIT C – PROPOSED ROADWAY IMPROVEMENTS PACKER ROAD



NOTE:
FOR REFERENCE ONLY

DATE: 12/10/2015	PROPOSED ROADWAY IMPROVEMENTS PACKER ROAD	PROJECT NO.: 204
------------------	--	---------------------



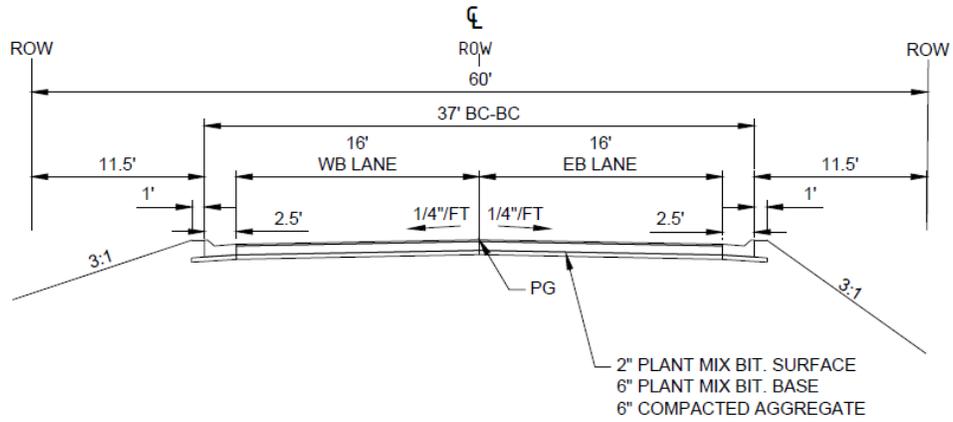
LEE Engineering & Associates, L.L.C.
1200 E. Woodhurst, Suite D200
Springfield, Missouri 65804
417-886-9100 (phone)
417-886-9336 (fax)
dlee@leeengineering.biz

"Engineering with Integrity"

EXHIBIT C

DESIGN AND CONSTRUCTION SPECIFICATIONS- DEVELOPER ROAD PROJECT

EXHIBIT C - TYPICAL SECTION PACKER ROAD



PACKER ROAD TYPICAL SECTION

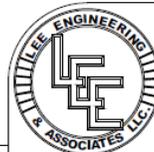
N.T.S.

NOTE:
FOR REFERENCE ONLY

DATE: 12/10/2015

TYPICAL ROAD SECTION
PACKER ROAD

PROJECT NO.:
204



Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2009029050

LEE Engineering & Associates, L.L.C.

1200 E. Woodhurst, Suite D200
Springfield, Missouri 65804

417-886-9100 (phone)

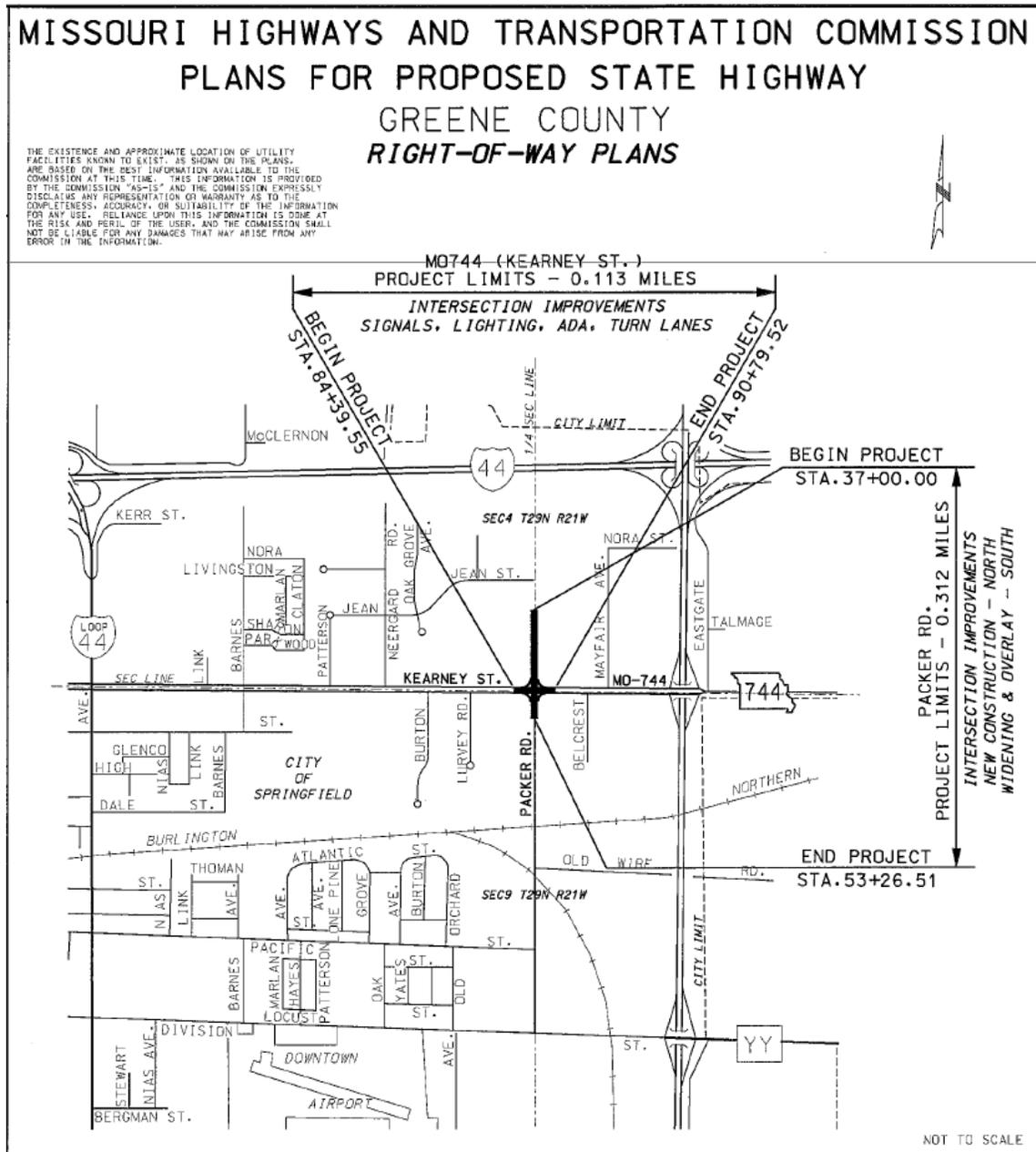
417-886-9336 (fax)

dlee@leeengineering.biz

"Engineering with Integrity"

EXHIBIT D

PUBLIC ROAD PROJECT



General Description of work included within Public Road Project: The Public Road Project includes the installation of a new traffic signal at the intersection of Kearney Street and Packer Road, including necessary geometric improvements to the intersection and the construction of Packer Road north of Kearney to the north property line of MoDOT's property.

One-rdg. _____
P. Hrngs. _____
Pgs. 9
Filed: 01-05-16

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 025

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a cost-share agreement
2 with Greene County, Missouri, to share costs associated with the
3 extension of Kansas Expressway; amending the budget of the
4 Department of Public Works for Fiscal Year 2015-2016 in the amount of
5 \$350,958.78, and to appropriate the transfer of the City's federal Surface
6 Transportation Program -Urban (STP) funds to Greene County through
7 the Ozarks Transportation Organization (OTO) to cover the City's share of
8 costs based on the above-described agreement.
9 _____

10
11 WHEREAS, the City and County desire to enter into a cost-share agreement
12 associated with the design and environmental stages of the Kansas Extension Project, which
13 will extend Kansas Expressway from Republic Road to Farm Road 190 and will connect
14 Farm Road 190 between Kansas Expressway and Farm Road 141; and
15

16 WHEREAS, this roadway improvement will be to the benefit of the citizens of the
17 City and county.
18

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

22 Section 1 – The City Manager, or his designee, is hereby authorized to enter into a
23 cost-share agreement with Greene County, said agreement to be in substantially the form
24 as that document attached hereto and incorporated herein by reference as "Exhibit A."
25 attached hereto as if incorporated herein.
26

27 Section 2 –The budget for the Department of Public Works for Fiscal Year 2015-
28 2016 is hereby amended in the accounts and in the amounts as shown on Budget
29 Adjustment No. 0027, a copy of which is attached hereto and incorporated herein by
30 reference as "Exhibit B."
31

32 Section 3 – The City Manager is directed to cause the appropriate accounting entries
33 to be made in the books and records of the City.
34

35 Section 4 – This ordinance shall be in full force and effect from and after passage.
36

37 Passed at meeting: _____

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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Amanda R. Callaway, Assistant City Attorney

Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 025

FILED: 01-05-16

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into a cost-share Agreement, "Exhibit A," with Greene County, Missouri, to share costs associated with the extension of Kansas Expressway south from Republic Road to Farm Road 190 and connect Farm Road 190 between Kansas Expressway and Farm Road 141, and amending the budget of the Department of Public Works for Fiscal Year 2015-2016 in the amount of \$350,985.78, to appropriate the transfer of the City's federal Surface Transportation Program -Urban (STP) funds to Greene County through the Ozarks Transportation Organization (OTO) to cover the City's share of costs based on the Agreement to cost-share.

BACKGROUND INFORMATION: This agreement to cost-share, shares the estimated \$2,699,890.63 cost for design, including the environmental and cultural requirements associated with the planned extension of Kansas Expressway between the City and Greene County. The City will contribute \$350,985.78 (13 percent) of this cost through a transfer to Greene County of the City's allocated federal STP funds. This transfer will be handled through the Ozarks Transportation Organization and is included on the attached budget adjustment "Exhibit B."

Supports the following Field Guide 2030 goals: Chapter 12 Transportation; Major Goal 2, Operations and Maintenance; Objective 2d, The City of Springfield should coordinate operations and maintenance efforts with Greene County, the State of Missouri, rail, and transit to ensure a seamless connection to the regional system; and Major Goal 3, Economic Development; Objective 3b, Continue the development of north/south and east/west corridors that would facilitate linkages and relief routes within Springfield and between the surrounding communities. Develop a process for the continued planning and preservation of new roadway corridors and alignments in anticipation of future development, to improve connectivity, and to relieve congestion. Developing connections between Springfield and the surrounding communities should be a high priority and a collaborative effort, specifically through the coordination of each community's Major Thoroughfare Plan.

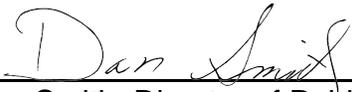
REMARKS: Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:



Kirk Juranas, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Greg Burris, City Manager

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:	
<input checked="" type="checkbox"/> NEW CONTRACT		<input type="checkbox"/> RENEWAL OF CONTRACT No.	
CITY		CONTRACTOR	
CITY OF SPRINGFIELD 840 BOONVILLE, P.O. BOX 8368 SPRINGFIELD, MO 65802		Name: Greene County	
Attention: Kirk Juranas		Address: 2065 N. Clifton Springfield, MO 65803	
Department: Public Works		Attention: Adam Humphrey, PE Chief Engineer	
Phone:		Phone:	Fax:
Fax:			

**AGREEMENT TO COST SHARE KANSAS EXTENSION PROJECT:
REPUBLIC ROAD TO FARM ROAD 190 IMPROVEMENTS**

THIS AGREEMENT, made and entered into this ____ day of _____, 20____, between the City of Springfield, Missouri (hereinafter referred to as "the City"), and Greene County, Missouri (hereinafter referred to as "Greene County")

WITNESSETH:

WHEREAS, the City and Greene County desire to enter into an agreement to share costs associated with Kansas Expressway Extension project which will extend Kansas Expressway from Republic Road to Farm Road 190, and will connect Farm Road 190 between Kansas Expressway and Farm Road 141, as shown in Exhibit A, for each party's benefit and for the benefit of the citizens of Springfield, Missouri; and

WHEREAS, thirteen percent (13%) of the Kansas Expressway Extension project falls within the City limits and therefore, the City agrees to cover thirteen percent (13%) of the total project cost with Greene County covering eighty seven percent (87%) of the total project cost, subject to the provisions contained below regarding project overruns and underruns.

NOW, THEREFORE, The City and Greene County hereby mutually covenant and agree as follows:

1. Environmental and Design by Greene County. Greene County shall, at its sole cost and

expense design all necessary improvements, including the environmental and cultural requirements, for the Kansas Expressway Extension project, as shown in Exhibit A, Greene County contract with Burns & McDonnell. The total environmental and design cost estimate for this project is \$2,699,890.63.

2. Cost share. The parties agree to cost share this project in the following manner:
 - a. City shall be responsible for Three Hundred Fifty Thousand Nine Hundred Eighty Five Dollars and Seventy Eight Cents (\$350,985.78) of the cost of the Kansas Expressway Extension project improvements shown in Exhibit A, subject to the provisions of paragraph 3 hereof if there are underruns or overruns for this project.
 - b. Greene County shall be responsible for all other costs of the Kansas Expressway Extension project improvements shown in Exhibit A.
3. Payment. The County shall submit to the City a summary of costs, including the invoices, checks, or other evidence of payment of the costs of the environmental and design work for the Kansas Expressway Extension Project that were paid by Greene County, and the City agrees to pay the County no later than 30 days after receipt of the summary of costs. In lieu of cash, the City agrees to pay the County by means of transferring the City's allocation of federal STP-Urban funds to the County in an amount equal to the City's financial responsibility as specified in Paragraph 2 of this agreement. In the case of underruns that occur within the city limits of Springfield, Missouri, the City will share in one hundred percent (100%) of the cost savings for those portions of this project. In the case of underruns that occur outside the city limits of Springfield, Missouri, the County will share in one hundred percent (100%) of the cost savings for those portions of this project. In the case of overruns that occur within the city limits of Springfield, Missouri, the City shall be responsible for one hundred percent (100%) of any overrun amount for those portions of this project, provided that both parties mutually agree in writing to pay their respective share of such an amount. In the case of overruns that occur outside the city limits of Springfield, Missouri, the County shall be responsible for one hundred percent (100%) of any overrun amount for those portions of this project, provided that both parties mutually agree in writing to pay their respective share of such an amount. Upon such mutual agreement, the City agrees to pay the County its share of the overrun amount 30 days after requested by the County upon completion of the environmental and design work.
4. Right of way acquisition. Greene County shall, at its sole cost and expense, acquire all necessary right of way and easements that are located outside the city limits of Springfield, Mo, for said improvements shown in Exhibit A. City shall, at its sole cost and expense, acquire all necessary right of way and easements that are located inside the city limits of Springfield, Mo, for said improvements shown in Exhibit A.
5. Conflict of Interest. In accepting this contract, Greene County 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.

6. Assignment. Greene County 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.
7. 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 Greene County 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.
8. 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.
9. 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.
10. Independent Parties. The parties are independent, and nothing contained herein shall constitute or designate Greene County, or any of Greene County's contractors, agents, or employees, as agents or employees of the City.
11. Discrimination. Greene County 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.

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

CITY OF SPRINGFIELD, MISSOURI

By:

Collin Quigley, Assistant City Manager

Date:

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 therefore.

Mary Mannix-Decker, Director of Finance

CERTIFICATE OF DIRECTOR OF FINANCE

APPROVED AS TO FORM

Cindy Stein, Greene County Auditor

APPROVED AS TO FORM

Amanda Callaway, Assistant City Attorney

John W. Housley, Greene County Counselor

Greene County

By: _____
Bob Cirtin, Presiding Commissioner

By: _____
Harold Bengsch, Commissioner 1st District

By: _____
Roseann Bentley, Commissioner 2nd District

By: _____
Rick Artman, Administrator
Greene County Highway Department

Attest: _____
Shane Schoeller, County Clerk

AUDITOR CERTIFICATION

I certify that the expenditure contemplated by this document is within the purpose for the appropriation to which it is to be charged and that there is an unencumbered balance of anticipated revenue appropriated for payment of same.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

BA Number
0027

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	350,985.78	STP-Urban Federal Grant Funds
Net Revenue Adjustment						350,985.78	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	509130	000000	00000	350,985.78	Kansas Expressway Extension South of Republic Road
Net Expenditure Adjustment						350,985.78	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To appropriate the transfer of federal STP grant funds to Greene County for partial funding of the Kansas Expressway Extension South of Republic Road based on the City's share of project costs per the Cost Share Agreement.

Requested By:

Don Smith 1/6/16
Department Head Date

Approved By:

Mary Mann O'Decker 1/16/16
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2016-025
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

EXPLANATION TO COUNCIL BILL NO: 2016- 026

FILED: 01-05-16

ORIGINATING DEPARTMENT: Fire

PURPOSE: To accept a donation from Battery Outfitters of 500, nine-volt batteries to support the Springfield Fire Department's free smoke alarm and battery program.

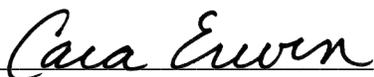
BACKGROUND INFORMATION: For many years, the Fire Department has provided free smoke alarms and batteries for existing smoke alarms to residents that are in need because the Fire Department knows this is a cost-effective way to save lives and property. The Fire Department has funded this program primarily through public donations and partnerships. The Fire Department has provided nearly 3,000 smoke alarms and 3,000 batteries in the last five years. This number is expected to increase as the Fire Department promotes the need for smoke alarms in additional areas of the home.

This donation from Battery Outfitters of 500, nine volt batteries will help the Springfield Fire Department continue to administer the free smoke alarm and battery program, by providing nearly a year's worth of batteries to the community.

The grant requires no local match.

REMARKS: A recent study found 96% of fatal fires over the last ten years in Springfield were caused by human factors. These include smoking-related fires, overloaded extension cords, cooking fires, space heater misuse and children playing with fire. Additionally, the report found less than half (48%) of the homes in which a fatal fire occurred had a smoke alarm present and working. These fatalities could have been prevented with the installation of working smoke alarms. The donation of these 500, nine volt batteries will go a long way toward protecting Springfield residents.

Submitted by:



Cara Erwin, Public Educator



David Hall, Fire Chief



Greg Burris, City Manager

One-rdg. X
P. Hrngs.
Pgs. 15
Filed: 01-05-16

Sponsored by: Fisk

First Reading:

Second Reading:

COUNCIL BILL NO. 2016- 023

SPECIAL ORDINANCE NO.

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept a grant of \$1,000.00 from
2 the Walmart Foundation to support the Springfield Fire Department's
3 public education and prevention program; amending the 2015-16 budget
4 for the Springfield Fire Department; and declaring an emergency.
5
6

7 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
8 MISSOURI, as follows, that:
9

10 Section 1 – The City Manager, or his designee, is hereby authorized to accept a
11 grant, substantially in form and content as that document attached hereto and made a
12 part hereof by reference as "Exhibit A," and to do all things necessary to carry out the
13 grant, including the execution of required contracts upon approval as to form by the City
14 Attorney.
15

16 Section 2 - The budget for fiscal year 2015-2016 of the Fire Department of the
17 City of Springfield is hereby amended in the accounts and in the amounts as shown on
18 Budget Adjustment No.0026, a copy of which is attached hereto and incorporated
19 herein by reference as "Exhibit B".
20

21 Section 3 - The City Council finds that the budget adjustment made above has
22 been recommended by the City Manager.
23

24 Section 4 - The City Manager is directed to cause the appropriate accounting
25 entries to be made in the books and records of the City. In the event additional funding
26 is provided under this grant by the grantor, the Finance Director of the City is hereby
27 authorized to adjust this appropriation by an amount not to exceed 20% of the sum
28 shown in "Exhibit B," provided this amount shall not exceed \$20,000.
29

30 Section 5 – The City Council finds and declares that this ordinance relates to the
31 public health, safety, and welfare, and therefore constitutes an emergency under
32 Section 2.12 of the Springfield City Charter. Accordingly, this ordinance shall be in full
33 force and effect from and after passage.
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Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: *Marianne Gendron Banks*, Assistant City Attorney

Approved for Council action: *Greg Burns*, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 023

FILED: 01-05-16

ORIGINATING DEPARTMENT: Fire

PURPOSE: To accept a donation from Walmart Foundation of \$1,000.00 to support the Springfield Fire Department's public education and prevention program; to amend the budget; and declaring an emergency.

BACKGROUND INFORMATION: We know that the best way to fight a fire is to prevent one from occurring; however, this often proves difficult due to the limited resources available. While the Fire Department does allocate funds for its public education efforts, it is unable to meet the prevention needs of the community.

Companies and organizations look for meaningful ways to give back to their community by meeting needs that otherwise go unmet. The Walmart Foundation has a long history supporting our community and specifically the fire department through its Walmart Community Grant Program.

This grant will be used to fund public education materials targeted at high-risk groups such as children and older adults. It will also be used to supplement the free smoke alarm and battery program to provide homes with the most basic level of fire protection, which has been proven to save lives.

The grant requires no local match. This bill will amend the budget for Fiscal Year 2015-2016 of the Fire Department in the amount of \$1,000.00. Because the application period closed less than 60 days from when the fire department became aware of the grant opportunity, general ordinance 2013-194 allowed the City Manager to authorize the Fire Department to submit the application. This ordinance relates to the public health, safety, and welfare, and therefore constitutes an emergency under Section 2.12 of the Springfield City Charter.

REMARKS:

Submitted by:



David Hall, Fire Chief



Greg Burris, City Manager

Community Grant Program

Review Your Application

Please review your proposal information. If you are not ready to submit your proposal at this time, click the "Save Only" button. The proposal will then be available to edit from the Welcome page. Clicking the Submit button will immediately send the application to the Walmart Foundation and you will then be unable to perform further editing.

Contact Information

* First Name DEBBIE
 * Last Name LAWRENCE
 * Contact Title ADMIN. ASSISTANT TO THE DIRECTOR
 * Address 830 BOONVILLE AVE
 * City SPRINGFIELD
 * State Missouri
 * Zip 65802
 * Telephone 417-864-1510
 * E-mail Address DLAWRENCE@SPRINGFIELDMO.GOV
 * Contact Type Primary Contact

Organization Information

* Legal Name CITY OF SPRINGFIELD FIRE DEPARTMENT
 * Payee Name CITY OF SPRINGFIELD FIRE DEPARTMENT
 * Organization Address 830 N BOONVILLE AVE
 * Organization City SPRINGFIELD
 * Organization State Missouri
 * Organization Zip 65802
 * Telephone 417-864-1510
 Fax 417-864-1505
 Organization's Website Address www.springfieldmo.gov/fire
 * Organization Mission Our Mission:
 The Springfield Fire Department's Mission
 We are the Springfield Fire Department a professional organization dedicated to serving our community.
 A Rich History
 Springfield's earliest days as a community included a volunteer fire department organized in the 1940's, beginning a rich history of service, compassion and valor.
 1847
 On August 9, 1847, the City Council and the Fire Commission drew up an ordinance to form the first recorded Ladder Company to cover the City of Springfield. The company consisted of seventeen members, a hand full of painters' ladders, and a two-wheeled cart that was pulled by two of the members. The seventeen members served as volunteers without pay, uniforms, or firefighting gear. Fires were fought in whatever clothes the men were wearing at the time. The men were highly respected by the community and in return, they took deep pride in the service they provided.
 More historical information can be found on our website.

- * **Current Activity** Provide public education materials that are age group specific to school aged children and may include items such as coloring books with safety messages, escape plans etc. Other items may include smoke alarms and batteries for the Springfield Fire Department personnel to install in those homes where children or staff have indicated a need.
- * **Organization's Facebook Site** <https://www.facebook.com/SGFFire>
- * **Organization's Twitter Handle** N/A

Request History

- * **Previous Funding Requests - All Locations** N/A
- * **Previous Funding - All Locations** N/A
- * **Previous Funding - This Location** No
- Previous Funding Date - This Location**

Area of Focus

- * **Primary Focus Category** Strengthening Local Communities
- * **Primary Subcategory** ----Public Safety (Police/Fire/EMS)
- Sam's Club Additional Category**

Community Served

- * **Area Served** Greene
- * **People Served** 3000
- * **Gender (number)** 3,000.00 Unknown/Unreported
3,000.00 Total
- * **Age Group (number)** 3,000.00 Unknown/Unreported ages
3,000.00 Total
- * **Ethnic Background (number)** 3,000.00 Unknown/Unreported
3,000.00 Total

Program Information

- * **Grant Type** Local Community Contribution
- * **Requested Grant Amount** \$1,000.00
- * **Project Title** WMT 5693 Application
- * **Program Description** We have an ongoing public education program that serves our entire community. We identify needs and target areas to provided safety education which may include pub ed materials -age specific, installation of smoke alarms and batteries. We try to provide safety information to educate all age groups.
- * **Fund Use** These funds would be utilized for pub ed materials -age specific and could include items such as coloring books with fire safety messages,escape plans,messages, fire home safety surveys, and may include smoke alarm and battery install
- * **Program Relevancy** We survey our citizens to help us identify areas where we can improve our programs to meet the needs of our citizens in order to ensure a safer community. We evaluate fires on a regular basis and do free smoke alarm and battery installations to include hearing impaired smoke alarms. We work with the public and private school systems through out the year and especially in October which is Fire Prevention Month. We utilize the media as an outlet to provide safety tips all year long. We also work with individual groups to provide CPR and AED training. We attend different safety exhibits providing safety information.

Agreement

- * **Acknowledgement of Terms and Conditions** AGREE

Submit Save Only

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Apply for Grants

! Walmartgrant

[Logout](#)

Confirmation of Organization Update:

Your organization information was successfully updated. Thank you for providing this information; no further action on your part is required at this time. To print a copy of the information below go to 'File', then 'Print' on your browser toolbar. Click here to [return to the homepage](#) when you are finished.

Organization information

* **Legal Name** CITY OF SPRINGFIELD FIRE DEPARTMENT

* **Payee Name** CITY OF SPRINGFIELD FIRE DEPARTMENT

* **Organization Address** 830 N BOONVILLE AVE

* **Organization City** SPRINGFIELD

* **Organization State** Missouri

* **Organization Zip** 65802

* **Telephone** 417-864-1510

Fax 417-864-1505

* **Organization's Website Address** www.springfieldmo.gov/fire

* **Organization History** The Springfield Fire Department provides services in an 82+ square-mile area from 12 fire stations with a full-time staff of more than 220 dedicated professionals. We are an Accredited Department with an ISO 2 rating.
Services

The Springfield Fire Department provides emergency services in an 82+ square-mile area from 12 fire stations with a full-time staff of more than 220 dedicated professionals. We are an Accredited Department with an ISO 2 rating.

Our services include:

- Emergency fire protection
- Fire prevention through public education
- Assistance in medical emergencies
- Water rescue
- Technical rescue
- Hazardous materials response
- Investigations and inspections
- Continuous education and training for all Fire Department employees.

Our Mission Says It All.

We are the Springfield Fire Department, a professional organization dedicated to serving our community.

Springfield Fire Department Values

Professionalism

Integrity

Compassion

Service

Valor

* **Mission Statement and History** Our Mission:

The Springfield Fire Department's Mission

We are the Springfield Fire Department a professional organization dedicated to serving our community.

A Rich History

Springfield's earliest days as a community included a volunteer fire department organized in the 1940's, beginning a rich history of service, compassion and valor.

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* **Organization's Facebook Site** <https://www.facebook.com/SGFFire>

* **Organization's Twitter Handle** N/A

[Need Support?](#)

Wal-Mart Stores, Inc. (“Walmart”) requires each Grantee to accept the following terms which shall apply to any grant funds awarded by Walmart in response to the Grantee’s application. Your acceptance of these terms is a prerequisite for the consideration of your grant application.

Please note that your review and agreement to the following terms does not create any agreement on behalf of Walmart to approve your grant application or to provide any donation to your organization. The following terms become binding only upon the issuance of a grant by Walmart in response to your organization’s grant application.

Unless otherwise specified, all terms shall apply to all Grantees.

The Grantee agrees to the following:

1. AUTHORITY

Grantee’s signatory possesses all necessary capacity and authority to act for, sign and bind the Grantee to this Agreement.

2. REPRESENTATIONS OF GRANTEE

The Grantee represents to Walmart (the “Grantor”) that it qualifies as one of the following types of organizations:

- An organization holding a current tax-exempt status under Section 501(c)(3), (4), (6) or (19) of the Code;
- A recognized government entity: state, county, or city agency, including law enforcement or fire department;
- A K-12 public or private school, charter school, community/junior college, state/private college or university; or
- A recognized church or other faith-based organization.

If the Grantee is a church or other faith-based organization, Grantee represents that the Fund Use benefits the community at large.

3. PURPOSE AND ADMINISTRATION

The grant shall be used exclusively for the purposes specified in the Grantee’s Community Grants application (the “Fund Use”), the terms of which are incorporated herein and made a part of this Agreement.

- The Grantee will directly administer the project or program being supported by the grant and agrees that no grant funds shall be re-granted to any organization or entity, whether or not formed by the Grantee.
- The Grantee will use funds for exclusively charitable, scientific, and/or educational purposes.
- The Grantee shall expend the grant funds in accordance with this Agreement.

4. USE OF GRANT FUNDS

The Grantee shall use the full amount of the grant for the purposes set forth in the Fund Use. Unless otherwise agreed in writing by Grantor, the Grantee shall return any portion of the grant and the income earned thereon that is not expended for such purposes.

The Grantee agrees not to use any portion of the grant or any income derived from the grant for the following:

- To carry on propaganda or otherwise attempt to influence legislation within the meaning of Section 4945(d)(1) of the Internal Revenue Code of 1986, as amended (the "Code");
- To influence the outcome of any specific public election;
- To conduct activities outside the United States;
- To provide a grant to an individual for travel, study, or similar purpose within the meaning of Section 4945(g) of the Code; or
- To promote or engage in criminal acts of violence, terrorism, hate crimes, the destruction of any state, or discrimination on the basis of race, national origin, religion, military and veteran status, disability, sex, gender identity, age, or sexual orientation, or support of any entity that engages in these activities.

Any interest or other income generated by the grant funds must be applied to the purposes described in the Fund Use.

To the extent that the Grantee is a governmental entity, and in addition to all other requirements contained in this Agreement, the Grantee agrees that grant funds are to be used exclusively for public purposes within the meaning of Section 170(c)(1) of the Code.

5. RECORD RETENTION

The Grantee agrees to maintain complete and accurate records of receipts and expenditures and make its books and records available to the Grantor at reasonable times upon its request. Grantee will maintain books, accounts, and records that, with a sufficient detail, accurately and clearly reflect its transactions and the disposition of funds. No "off the books" or unrecorded funds or accounts shall be created or maintained for any purpose. Furthermore, Grantee will maintain records of expenditures charged against the grant that are adequate to identify the use of the funds in compliance with the purposes and restrictions specified in this Agreement. Such records shall be retained for a period of at least five years after the completion of the use of the grant.

The Grantor may, at its expense, monitor and conduct an evaluation of operations under the grant, which may include visits by representatives of the Grantor to observe the Grantee's program, procedures and operations, and discussions of the program with the Grantee's personnel.

6. ADDITIONAL TERMS AND CONDITIONS

The Grantor reserves the right to terminate the grant for cause as a result of the Grantee's breach of the terms of this Agreement or the Grantee's failure to make adequate and sustained progress toward the completion of the activities and achievement of the objectives contained in the Funds Use. Notwithstanding the foregoing, in the event that Grantor determines, in its sole discretion, that Grantee has engaged in conduct that violates Section 12 of this Agreement, Grantor immediately shall have the right to suspend future donations and to suspend or terminate this Agreement.

If the Grantor determines, in its reasonable discretion, that the Grantee has breached or failed to carry out any provision of this Agreement, the Grantor may, in addition to any other legal remedies it may have, terminate the grant and demand the return of all or part of the grant funds not spent or obligated to third parties in accordance with the terms of this Agreement, including, without limitation, all grant funds expended by the Grantee for purposes other than for the Funds Use. The Grantee shall return all such grant funds to the Grantor within thirty (30) days of receiving a termination notice from the Grantor.

7. PUBLICITY

The Grantor may make information regarding this grant public at any time and in a manner which it deems appropriate. Grantee agrees to cooperate with any effort by Grantor to publicize the grant, including but not limited to designating a suitable representative to appear on behalf of Grantee at publicity events, providing relevant and pertinent information to include in press releases and distributions, and responding as appropriate to relevant and pertinent press inquiries.

Grantee agrees to provide Grantor an opportunity to review and comment on the contents of any statement, release, or report concerning this grant in advance of its release to the public or any third party.

Notwithstanding anything to the contrary contained herein, Grantee may list Grantor as a supporter of Grantee for up to one year following Grantor's transfer of funds to Grantee pursuant to this Agreement; *provided, however*, (i) any such listing will include the names of other supporters of Grantee and (ii) Grantor's position on such listing shall be reasonable in proportion to the amount given by Grantor. No license to use Grantor's (or Grantor's subsidiaries' or affiliates') trademarks, trade names or other intellectual property is granted hereunder.

8. NO ADDITIONAL SUPPORT

It is expressly understood that the Grantor has no obligation to provide additional support to the Grantee for this or any other project or purposes.

9. GENERAL INDEMNIFICATION

The Grantee shall indemnify, defend, save and hold harmless the Grantor, its governing board, and the individual members thereof, and all officers, agents, employees, representatives and volunteers from and against any and all liability, loss, cost, expense, injury, proceeding, claim or obligation arising out of, related to, connected with, or as a result of any acts or omissions of the Grantee, including, without limitation, any injury or property damage suffered by any third party due to the negligence or willful misconduct by the Grantee or any Grantee employee, officer, agent, employee, representative or volunteer in performance of this Agreement. Such provision shall not apply to any liability, loss, cost, expense, injury, proceeding, claim or obligation arising out of, connected with, or as a result of any negligent act or willful misconduct committed by the Grantor.

In no case shall the Grantor be liable to the Grantee or any third party for consequential damages. The Grantor shall have no liability for any debts, liabilities, deficits, cost overruns, or negligence or willful misconduct of the Grantee. It is expressly understood by the parties that no trustee, director, member, officer, employee or other representative of the Grantor shall incur any financial responsibility or liability of any kind or nature in connection with this Agreement. The parties agree that the liability of the Grantor hereunder shall be limited to the payment of the grant awarded by Grantor, if any, pursuant to the terms and conditions of this Agreement and that the Grantor shall have no other duty or obligation to the Grantee or any other person.

To the extent that the Grantee is a governmental entity described in Section 170(c)(1) of the Code and is prohibited by law from providing Grantor with the above indemnification, this Section 10 shall not be applicable.

10. COMPLIANCE WITH LAWS

Grantee will comply in full with all applicable federal, state, and local laws and regulations and rules of governmental agencies and bodies relating to Grantee's acceptance and use of the grant, including those that govern gifts, donations, contributions, expenditures, and anything else of value that benefit, directly or indirectly, public officials. Grantee agrees to notify Grantor immediately: (a) of any conduct on Grantee's part that may be in violation of any applicable federal, state and local laws and (b) if Grantee receives notice of, or otherwise becomes aware of, any actual or threatened investigation, action, litigation, or disciplinary or other proceeding of which Grantee is or may be a subject in connection with the grant and to the extent permitted by applicable law, shall provide Grantor with all written notices and communications received by Grantee relating to any such investigation, action, litigation, or disciplinary proceeding.

11. ANTI-TERRORISM AND ECONOMIC SANCTIONS

Grantee affirms that neither Grantee nor any of Grantee's affiliates (i) is or will act in violation of any Anti-Terrorism Law (as defined below), (ii) is or will become a Prohibited Person (as defined below), (iii) conducts or will conduct any business or engages or will engage in any transaction or dealing with any Prohibited Person, including the making or receiving of any contribution of funds, goods or services to or for the benefit of any Prohibited Person, (iv) deals in or will deal in or otherwise engages or will engage in any transaction relating to property or interests in property blocked pursuant to Executive Order No. 13224 (as defined below); or (v) engages in or will engage in or conspires to engage in any transaction that evades or avoids, or has the purpose or intent of evading or avoiding, or attempts to violate, any of the prohibitions set forth in any Anti-Terrorism Law. As used herein: (A) "Anti-Terrorism Law" is defined as any Law relating to terrorism or money-laundering, including Executive Order No. 13224 and the USA Patriot Act (as defined below); (B) "Executive Order No. 13224" is defined as the Executive Order No. 13224 on Terrorist Financing, effective September 24, 2001, relating to "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism", as amended; (C) "Prohibited Person" is defined as any person or entity (1) listed in the Annex to, or is otherwise subject to the provisions of, Executive Order No. 13224; (2) owned or controlled by, or acting for or on behalf of, any party described in clause (C)(1) above; (3) with whom any lender is prohibited from dealing or otherwise engaging in any transaction by any Anti-Terrorism Law; (4) who commits, threatens or conspires to commit or supports "terrorism" as defined in Executive Order No. 13224; (5) named as a "specially designated national and blocked person" on the most current list published by the U.S. Treasury Department Office of Foreign Assets Control at its official website, <http://www.treas.gov/ofac/t11sdn.pdf> or at any replacement website or other official publication of such list; or (6) affiliated with any party described in clauses (C)(1)-(5) above; and (D) "USA Patriot Act" is defined as the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001" (Public Law 107-56), as amended.

12. ANTI-CORRUPTION COMPLIANCE

Grantee agrees that its use of all funds received under this Agreement will be in full compliance with all applicable anti-corruption laws and regulations, including but not limited to the United States Foreign Corrupt Practices Act (“FCPA”) and the UK Bribery Act. Accordingly, Grantee agrees that in connection with its activities under this Agreement, neither Grantee nor any agent, affiliate, employee, re-grantee, or other person acting on its behalf will offer, promise, give, or authorize the giving of anything of value, or offer, promise, make, or authorize the making of any bribe, rebate, payoff, influence payment, kickback, or other unlawful payment, to any government official, political party, or candidate for public office in order to gain any unfair advantage or to influence any act or decision of a government official. Grantee further agrees that the funds provided under this Agreement shall not be used for the personal benefit or enrichment of any government official.

Grantee agrees to provide timely information to Walmart regarding any changes to the representations made in this Agreement. Grantee further agrees to assist and cooperate in any investigations related to the use of the grant funds received under this Agreement.

13. APPLICABLE LAW

This Agreement, and the rights and obligations of the parties, will be construed, interpreted and enforced in accordance with, and governed by, the laws of the State of Arkansas.

14. REPRESENTATIVES AND SUCCESSORS BOUND

This Agreement shall be binding upon and inure to the benefit of the parties, their legal representatives, successors and assigns.

15. DEPOSIT OF FUNDS

Notwithstanding anything else to the contrary in this Agreement, the Grantee, by executing this grant Agreement, expressly agrees to deposit the grant funds check in its account in a timely fashion. Grantee acknowledges and agrees that if it does not cash the check within one hundred eighty (180) days of the effective date of this Agreement, the Grantor will issue a stop payment order on such check, and Grantee releases any and all interest in the grant funds and the check and hereby acknowledges that the Grantor is not holding the grant funds on Grantee’s behalf. Further, such failure to timely cash the check shall be deemed to be a waiver by Grantee of any rights of action against Grantor. If a stop payment is issued pursuant to this provision, the Grantee may submit a new request to Grantor for grant funds, for similar or different purposes, but the determination as to whether to issue a new grant check to Grantee in such circumstance is in the sole discretion of the Grantor.

16. ENTIRE CONTRACT

This Agreement supersedes any and all agreements, either oral or written, between the parties hereto with respect to the subject matter covered herein and contains all of the covenants and agreements between the parties with respect to the Fund Use in any manner whatsoever. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which is not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement shall be valid or binding. Any modification of this Agreement will be effective only if it is in writing signed by the parties hereto. Any changes, additions or deletions to this Agreement, including the Fund Use, must be approved in writing by both the Grantor and the Grantee. This Agreement and all amendments may be signed in counterparts, each of which will constitute one and the same document. Any signature delivered via facsimile or other electronic means shall be deemed an original signature to this Agreement. The section headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

17. SEVERABILITY

If any term, covenant, or condition of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each and every remaining term, covenant, or condition of this Agreement shall be valid and enforced to the fullest extent permitted by law.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

BA Number 0026

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22700	10	15080	416030	000000	00000	1,000.00	FY16 Walmart Neighborhood Store 5693 Grant Donation
Net Revenue Adjustment						1,000.00	

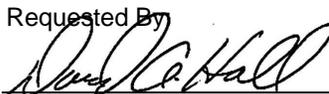
Expenditures:

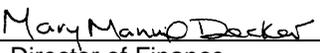
Fund	Dept	Org	Account	P&G	Location	Amount	Description
22700	10	15080	501260	000000	00000	1,000.00	FY16 Walmart Neighborhood Store 5693 Grant Donation
Net Expenditure Adjustment						1,000.00	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation:

Requested By

Department Head 1/6/16
Date

Approved By:

Director of Finance 1/6/16
Date

City Manager Date

Authorization:
Council Bill No. 2016-023
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. X
P. Hrngs. _____
Pgs. 4
Filed: 01-05-16

Sponsored by: Ferguson

COUNCIL BILL NO. 2016-027

RESOLUTION NO. _____

RESOLUTION

1 GRANTING a new liquor license to sell retail liquor by the drink, including Sunday
2 sales, to Goodboys, LLC, dba Druff's, located at 331 Park Central East,
3 Suite 101, Springfield, Missouri.
4 _____
5

6 WHEREAS, Goodboys, LLC. dba Druff's, located at 331 Park Central East, Suite
7 101, has filed an application for a license to sell retail liquor by the drink, including
8 Sunday sales; and
9

10 WHEREAS, pursuant to Section 10-37(c) of the Springfield City Code, as
11 amended by Section 311.080 RSMo, no license shall be granted in the Downtown
12 Springfield Community Improvement District for the sale of intoxicating liquor within 100
13 feet of any school or church unless the applicant shall first obtain the consent in writing
14 of the City Council; and
15

16 WHEREAS, applicant's place of business is located within 100 feet of a school.
17

18 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
19 SPRINGFIELD, MISSOURI, as follows, that:
20

21 Section 1 – The City Council grants Goodboys, LLC, dba Druff's, a license to sell
22 retail liquor by the drink, including Sunday sales, at its location at 331 Park Central East,
23 Suite 101, Springfield, Missouri.
24

25 Section 2 – This resolution shall be effective immediately upon adoption.
26

27 Passed at meeting: _____
28

29 _____
30 Mayor
31

32
33 Attest: _____, City Clerk
34

35 Filed as Resolution: _____

36

37 Approved as to form: Rhonda Lewaden, Assistant City Attorney

38

39

40 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO. 2016 - 027

FILED: 01-05-16

ORIGINATING DEPARTMENT: Law

PURPOSE: To grant a new license to sell retail liquor by the drink, including Sunday sales, to Goodboys, LLC, dba Druff's, located at 331 Park Central East, Suite 101, Springfield, Missouri.

BACKGROUND INFORMATION: Applicant, Goodboys, LLC, dba Druff's, applied for a license to sell retail liquor by the drink, including Sunday sales, at its location at 331 Park Central East, Suite 101. The applicant's business is located within 100 feet of property owned by Missouri State University. Missouri State University has been advised by the applicant of applicant's proposed sale of alcohol and does not object see "Exhibit A."

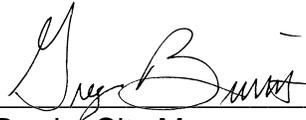
Pursuant to Section 10-37(c) of the Springfield City Code, as amended by Section 311.080 RSMo, no license shall be granted for the sale of intoxicating liquor within 100 feet of any church or school unless the applicant shall first obtain the consent in writing of the City Council. As a result, Council must determine whether it will issue a license to this business location.

Submitted by:

Approved by:



Rhonda Lewsader
Assistant City Attorney



Greg Burris, City Manager



Missouri State
UNIVERSITY

August 5, 2015

The City of Springfield, Business Licensing Office
Attn: Buffee Smith, Licensing Supervisor
840 Boonville Avenue
PO Box 8368
Springfield, MO 65801-8368

RE: Liquor License Letter of Non-Protest

To Whom It May Concern:

This letter will serve as a blanket Letter of Non-Protest with regard to the issuance of a liquor license per Missouri statute 311.080 RSMo which prohibits the City of Springfield from issuing a license for the sale of intoxicating liquor to an establishment within a specific distance of a school without the written consent of City Council. The same statute requires that all owners of property within the specified distance are provided at least ten day's written notice prior to the approval of such a license. (Springfield City Code sets the distance at 200 feet.)

In the event that a business should submit a request for a liquor license to the City of Springfield that is in line with this statute, this document should be utilized to satisfy the inquiry of the Springfield City Council for requested approval of the University. Should the University choose to protest a liquor license at any time, the appropriate documentation will be provided by the University to the City of Springfield Business License Division with respect to the aforementioned statute.

Sincerely,

A handwritten signature in cursive script that reads "Matthew D. Morris".

Matthew D. Morris
Interim Vice President for Administrative
and Information Services