

Pub. Imp. _____
Govt. Grnt. _____
Emer. _____
P. Hrngs. _____
Pgs. 5
Filed: 10-6-09

Sponsored by: Compton

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2009-256

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the Director of Planning and Development to accept the dedication of
2 public streets and easements to the City of Springfield as shown on
3 renewal of the Preliminary Plat of KUM & GO No. 489, generally
4 located at 4020 West Battlefield Street, upon the applicant filing and
5 recording a final plat that substantially conforms to the preliminary plat;
6 and authorizing the City Clerk to sign the final plat upon compliance
7 with the terms of this ordinance. (Planning and Zoning Commission
8 has approved the Preliminary Plat. Both the Planning and Zoning
9 Commission and staff recommend that City Council accept the public
10 streets and easements.)
11 _____
12
13

14 WHEREAS, on September 3, 2009, the Planning and Zoning Commission of the
15 City of Springfield, Missouri, approved the renewal of the Preliminary Plat of KUM & GO
16 No. 489, generally located at 4020 West Battlefield Street, as a subdivision of the City of
17 Springfield, Greene County, Missouri.
18

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

22 Section 1 - The City Council hereby authorizes the Director of Planning and
23 Development on behalf of the City of Springfield, Missouri, to accept the land and
24 easements dedicated to the City of Springfield for public use as shown on the renewal of
25 the Preliminary Plat of KUM & GO No. 489, generally located at 4020 West Battlefield
26 Street, as approved by the Planning and Zoning Commission, the original of which is on
27 file in the Department of Planning and Development ("Approved Preliminary Plat"), a
28 reduced version of which is included for general reference in "Exhibit A" upon the
29 subdivider filing and recording a final plat in accordance with the Subdivision Ordinance
30 of the City, which plat shall substantially conform to the Approved Preliminary Plat,
31 including those conditions established by the Planning and Zoning Commission, which
32 conditions are shown in the explanation to this ordinance a copy of which is attached

33 hereto, and hereby authorizes acceptance of the public improvements required by this
34 ordinance and the Subdivision Ordinance of the City, upon the Director of Public Works
35 certifying to the Director of Planning and Development and the City Clerk that the public
36 improvements have been made in accordance with City standards and specifications.

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

51
52 Section 3 - That upon compliance with all the requirements of this ordinance, the
53 City Clerk is hereby authorized to endorse the Council's approval upon the final plat
54 pursuant to Section 445.030, RSMo.

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

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61 Passed at meeting: _____

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64 _____
65 Mayor

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68 Attest: _____, City Clerk

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71 Filed as Ordinance: _____

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74 Approved as to form: Mary K Yendes, Assistant City Attorney

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76
77 Approved for Council action: Greg B..., City Manager

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: No
Sponsor:
Date: August 21, 2009

EXPLANATION TO COUNCIL BILL NO. 2009 -256

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To accept the dedication of the public streets and easements as shown on the renewal of the Preliminary Plat of **KUM & GO No. 489**, generally located at 4020 West Battlefield Street. (Planning and Zoning Commission has approved the Preliminary Plat. Both the Planning and Zoning Commission and staff recommend that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

- A. See the legal description set forth on the renewal of the Preliminary Plat of KUM & GO No 489, dated August 19, 2009, as approved by the Planning and Zoning Commission, the original of which is on file in the Department of Planning and Development, a reduced version of which is included for general reference in Exhibit A.
- B. The Planning and Zoning Commission held a public hearing on September 3, 2009 and approved the proposed preliminary plat by a vote of 5 to 0, subject to the following conditions:

FINDINGS:

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

CONDITIONS:

- 1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - a. Sanitary sewers shall be extended to all building sites.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - a. No driveways are permitted to US Highway 160 (FF). Ingress/egress access easements, as shown on the preliminary plat, are required to allow both proposed lots to access West Battlefield Road. Ingress/egress easements should be at least twenty five (25) feet wide to allow for better vehicular access.
3. Detention / water quality basin is required to be platted in Common Area. According to Section 5-2300 of the Zoning Ordinance, Common Area cannot be platted as a part of an individual lot.
 - a. As mentioned in the pre-subdivision comments, an as-built survey is required of the existing detention basin. This survey will certify that the volume and outlet structure of the existing facility matches the building plan for Kum N Go (BLD2008-00555). This final copy of this survey will be submitted on mylar and filed at the City. If the survey varies from the planned design, engineering calculations and public improvements will be necessary for the subdivision.
 - b. Additional drainage easements are required on Lot 2 in order to convey all of the surface runoff from Lot 1 to the detention basin.
4. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
5. The developer shall be responsible for the relocation costs of any existing services and shall be responsible for clearing all utility easements of trees, brush, and overhanging limbs.
6. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Code.
7. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

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

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

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

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

RECOMMENDATIONS:

The Planning and Zoning Commission recommends that City Council accept the public streets and easements.

Staff recommends that City Council accept the public streets and easements.

Submitted by:

Approved by:

Michael MacPHERSON



Planning and Development

City Manager