Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JULY 11, 2019
CITY COUNCIL PUBLIC HEARING: NA

CASE NUMBER: Extend Security Agreement Number 36
LOCATION: 1630 West Republic Road
ACRES: Approximately 8.98 acres
EXISTING LAND USE: Parking lot, Church and vacant land
APPLICANT: Jared Properties, LLC
STAFF: Bob Hosmer, 864-1834
STAFF RECOMMENDATIONS: Approve
PROPOSED MOTION: Move to approve the request to Extend the Security Agreement as submitted in the staff report

SUMMARY OF REQUEST:
Request to extend the security agreement for the Southland Subdivision located at 1630 West Republic Road for an additional year or until September 19, 2020.

FINDINGS FOR STAFF RECOMMENDATION:

1. This application is consistent with the Growth Management and Land Use Plan element of the Comprehensive Plan which identifies this as an appropriate area for Medium or High Density Housing. However, the Plan does recommend limiting auto-oriented commercial districts to major arterial streets where the surrounding development pattern will not support high levels of pedestrian use or to streets where auto-oriented land uses can be compatibly concentrated. Republic Road is classified as a primary arterial roadway and Kansas Avenue is classified as a collector roadway in the Transportation Plan.

2. Staff recommends approving the request to Extend Security Agreement No. 36 for an additional year or until September 19, 2020. The request complies with criteria No. 9 of Attachment 2.

SURROUNDING ZONING AND LAND USES:

<table>
<thead>
<tr>
<th></th>
<th>NORTH</th>
<th>SOUTH</th>
<th>EAST</th>
<th>WEST</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ZONING</strong></td>
<td>GR</td>
<td>R-SF</td>
<td>PD 88 3rd Amd</td>
<td>GR COD No. 107</td>
</tr>
<tr>
<td><strong>LAND USE</strong></td>
<td>Commercial uses</td>
<td>Single-family residential uses</td>
<td>Nursing Home</td>
<td>VA Clinic</td>
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</tbody>
</table>
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

GOOGLE MAPS STREET VIEW:
PROPERTY HISTORY:

The subject property is currently zoned R-SF, GR with a Conditional Overlay District No. 129 and No. 165 and O1, Office with Conditional Overlay District No. 130.

The applicant first obtained approval to subdivide and record the subject property by escrowing public improvements on September 19, 2018.

The security agreement for the required public improvements will expire on September 19, 2019, if an extension is not approved.

SUBDIVISION ORDINANCE:

CODE ITEM

Sec. 36-233. - Improvements.

(1) Before the final plat of any subdivided area shall be recorded, the subdivider shall provide for public improvements to be extended to all lots in the area to be included in the final plat at no cost to the city.

(2) Public improvements shall be constructed to minimum standards as determined by the director of public works in the City of Springfield Design Standards for Public Improvements.

(3) If the director of public works so approves, in lieu of the final completion of public improvements before the plat is recorded, the subdivider, or other person who agrees with the city to make the public improvements on behalf of the subdivider, may post a surety bond with one or more corporate sureties engaged in the business of signing surety bonds in the State of Missouri, an escrow agreement, letter of credit or other appropriate security agreement, approved by the city attorney and the city manager of the City of Springfield, which surety, escrow agreement or other appropriate security agreement will insure to the city that the improvements will be completed by the subdivider.

(a) The director of public works may require that any improvement be made before the final plat is recorded and refuse to accept security for such improvements when he determines the improvements are necessary for the immediate protection of the adjacent property or for compliance with any permits, codes, regulations, or laws, or if he determines delay of the improvements does not comport with sound engineering judgment.

(4) The amount of the corporate surety bond, escrow agreement, or other appropriate security agreement shall not be less than an amount providing for and securing the actual construction and installation of the improvements, said amount to be determined by the director of public works.

(5) All improvements, except sidewalks, must be completed within one year after the recording of the subdivision plat. Sidewalks must be completed within three years after the recording of the subdivision plat. 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 is revised pursuant to a revised estimate by the director of public works. The city attorney and city manager, acting in conjunction, may at any time during the period of such bond accept a substitution of principal or sureties on the bond or a substitution of a letter of credit, escrow or other approved security agreement.

(6) The release or reduction of said corporate surety bond, escrow agreement or other appropriate security agreement shall be in accordance with the following:

(a) When a petition for improvements by the tax bill method is filed for the improvements of this section and when said petition has passed the required remonstrance petition assuring the city that all improvements will be installed, said bond or agreements posted by the subdivider to insure the city the improvements of this section may be released and returned to the subdivider.
(b) Whenever the director of public works determines that any required improvement has been satisfactorily completed and the subdivider's engineer or surveyor has certified to said director, through submission of a detailed "as-built" survey plat of the subdivision indicating location, dimensions, materials and other information required by said director, that the layout of the line and grade of all public improvements are in accordance with construction plans for the subdivision and that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. The director shall release said bond or agreements posted by the subdivider to insure to the city that particular improvement. Said bond or agreements shall be released within 30 days of completion of each category of improvement, minus a maximum retention of five percent, which shall be released upon completion of all improvements.

(7) The commission may defer at the time of final approval, subject to appropriate conditions, the provision of any and all such improvements as, in its judgment, are not appropriate because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons. As a condition of deferral, the subdivider shall pay his share of the costs of the future improvements to the city prior to the signing of the final subdivision plat, or the subdivider may post an appropriate security approved in the same manner as stated above which shall insure completion of said deferred improvements upon demand by the city. If the improvements are not completed within the specified time, the city council may use the funds from said security, or any necessary portion thereof, to complete the same.

(8) Construction of private storm water drainage or detention facilities may be deferred to time of development and prior to issuance of a building permit, provided that:

(a) A plat note is included on the plat filed in the recorder's office requiring the construction of the private stormwater drainage or detention facilities; and

(b) The director of public works has approved preliminary design plans sufficient to show that the proposed private facilities can be engineered to function as proposed.

(9) Refer also to Springfield City Code, chapter 96, article I, detention and retention of stormwater.

(10) Completion of improvements. Sidewalk improvements shall be in compliance with subsection 5-3107 [36-471(7)] of the Springfield Zoning Ordinance.

(11) Fee in lieu of construction. Fee in lieu of construction of sidewalk shall be in compliance with subsection 5-3108 [36-471(8)] of the Springfield Zoning Ordinance.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Medium or High Density Housing. Townhouses and all various forms of apartment buildings are included in this category, which has been located where there is good traffic access, between Low-Density Housing and non-residential land uses, and at high-amenity locations such as the greenways or parkways. The density is expected to be greater than 6 housing units per net acre. However, the Plan does recommend limiting auto-oriented commercial districts to major arterial streets where the surrounding development pattern will not support high levels of pedestrian use or to streets where auto-oriented land uses can be compatibly concentrated. Republic Road is classified as a primary arterial roadway and Kansas Avenue is classified as a collector roadway in the Transportation Plan.

STAFF COMMENTS:

1. The applicant, Curtis Jared, is requesting to extend the security agreement for Southland Subdivision located at 1630 West Republic Road. The applicant is requesting the extension since they are unable to complete the improvements on time as they are working with two build-to-suit clients and are trying to incorporate and coordinate infrastructure improvements with their designs.

2. The Final Plat of Southland Subdivision is a three lot subdivision which was final platted and recorded on September 19, 2018 with an escrow for public improvements.

3. Before the final plat of any subdivided area shall be recorded, the subdivider shall provide for the improvements to be extended to all lots in the area to be included in the final plat at no cost to the City.

4. In lieu of the final completion of said improvements before the plat is recorded, the subdivider may post a surety bond, an escrow agreement, letter of credit or other appropriate security agreement, approved by the City of
Springfield, which surety, escrow agreement or other appropriate security agreement will insure to the City that the improvements will be completed by the subdivider.

5. All improvements, except sidewalks, must be completed within one year after the recording of the subdivision plat. Sidewalks must be completed within three years after the recording of the subdivision plat.

6. 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 is revised pursuant to a revised estimate by the director of public works. The city attorney and city manager, acting in conjunction, may at any time during the period of such bond accept a substitution of principal or sureties on the bond or a substitution of a letter of credit, escrow or other approved security agreement.

7. The proposed request was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:
Not applicable

PUBLIC NOTIFICATION:
Not applicable

DEPARTMENT COMMENTS:

ATTACHMENT 1
DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:
No issues.

CITY UTILITIES:
No objection to extension.

CLEAN WATER SERVICES COMMENTS:
No objection to the extension.

FIRE DEPARTMENT COMMENTS:
No issues.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:
No issues

PUBLIC WORKS INSPECTION DIVISION:
No objections to the extension.

STORMWATER COMMENTS:
No issues
SUBDIVISION REGULATIONS:

Section 36-233 of the Subdivision Regulations 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.

CRITERIA FOR EXTENDING SECURITY AGREEMENTS:

The following list of criteria was adopted by the Planning and Zoning Commission in April 1998 and the staff of the Public Works and Planning and Development Departments use this criterion in their review of all requests to extend subdivision security agreements:

<table>
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<tr>
<th>CRITERIA</th>
<th>APPLICANTS RESPONSE</th>
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<tbody>
<tr>
<td>1. Project is too large for construction in one year. Facts should be presented as to when the project was started, and the actual time spent on the construction.</td>
<td>NA</td>
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<tr>
<td>2. Incomplete due to seeding time frames. Public Works only permits seeding to be done from March 15 to June 1 and from September 1 to November 1. Facts should be presented that project was completed during a time when seeding is not allowed and that only seeding work remains to be done. A time extension should be considered for only the period necessary to complete the seeding.</td>
<td>NA</td>
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<tr>
<td>3. Shortage of key construction material. For instance, in 1987, aggregate backfill was difficult to obtain at times.</td>
<td>NA</td>
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<td>4. Labor strike.</td>
<td>NA</td>
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<tr>
<td>5. Weather (as it relates to a large project that requires continuous effort to complete within one year).</td>
<td>NA</td>
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<td>6. Problems with the contractor such as leaving the area or going broke. The developer should give facts as to his efforts to replace the contractor.</td>
<td>NA</td>
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<tr>
<td>7. Project is redesigned for one reason or another. The key to this should be if the developer has had to submit the project to the Planning and Zoning Commission for approval.</td>
<td>NA</td>
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<tr>
<td>8. Conflicts with major unknowns, such as sinkholes, utilities or other underground hazards.</td>
<td>NA</td>
</tr>
<tr>
<td>9. Other factors not listed above that the developer believes should be considered in the granting of the extension of time.</td>
<td>Developer is currently working with 2 separate build-to-suit clients and is unable to complete the improvements at time to incorporate and coordinate infrastructure improvements with their designs.</td>
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Property Description:

Lots 1, 2 and 3 of the Final Plat Southland Subdivision a Subdivision in the City of Springfield, Greene County, Missouri.
July 2, 2019

Mr. Bob Hosmer
840 Boonville Avenue
Springfield, MO 65802

Subject: Support of Security Extension
Project No. 2018PW0008
Southland Subdivision

Mr. Hosmer,

The City of Springfield Public Works Department fully supports and recommends that the extension of the securities for the above referenced project.

Extending the security, places no known hardships to the community and is advantageous to both the developer and the City. If securities are not allowed to be extended, the City and/or the developer will incur unnecessary cost to complete infrastructure that will not fit the developer’s needs.

The developer has fully cooperated with the City on this project and previous projects. The Developer is expected to complete the required infrastructure during the extension period.

The final decision of the Commission regarding this extension will be fully supported by Public Works.

Sincerely,

[Signature]

Brett Foster, P.E.
Principal Engineer, Construction Inspection
417-864-1937
bfoster@springfieldmo.gov