AN ORDINANCE

AUTHORIZING the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield as shown on the Preliminary Plat of Battlefield Business Center No. 13, said subdivision being generally located at 2300 West Sunset Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Planning and Zoning Commission recommends approval and staff recommend that City Council accept the public streets and easements).

WHEREAS, an original preliminary plat of Battlefield Business Center No. 13, dated November 24, 2017, is on file with the City’s Department of Planning and Development; and

WHEREAS, on January 11, 2018, the Planning and Zoning Commission of the City of Springfield, Missouri, approved the Preliminary Plat of Battlefield Business Center No. 13, which is generally located at 2300 West Sunset Street.

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

Section 1 – City Council hereby authorizes the Director of Planning and Development, on behalf of the City of Springfield, to accept the land, easements, and improvements dedicated to the City as shown on the Preliminary Plat of Battlefield Business Center No. 13, which is generally located at 2300 West Sunset Street, as approved by the Planning and Zoning Commission. The original plat of Battlefield Business Center No. 13, is on file in the Department of Planning and Development ("Approved Preliminary Plat"), a reduced version of which is attached hereto for general reference as "Exhibit C - Attachment 2," and is incorporated herein by this reference. The Director of Planning and Development shall be authorized to accept the land, easements, and improvements dedicated to the City, as shown on said plat, upon the
subdivider filing and recording a final plat in accordance with the Subdivision Regulations of the City, which plat shall substantially conform to the Approved Preliminary Plat, including those conditions described in “Exhibit B,” which is attached hereto and incorporated herein by this reference, and hereby authorizes acceptance of the public improvements required by this Ordinance and the Subdivision Regulations of the City, upon the Director of Public Works certifying to the Director of Planning and Development and the City Clerk that the public improvements have been made in accordance with City standards and specifications.

**Section 2** – The final plat shall not be recorded until: (1) the public improvements relating to the Approved Preliminary Plat have been constructed according to the specifications of the City of Springfield, Missouri, the Director of Public Works approves the public improvements in writing, and all engineering fees, permit fees, licenses, and other fees occasioned by or in connection with the construction of said improvements have been paid to the City, or (2) in lieu of the construction of the improvements, that the Applicant has filed with the City Manager, according to the terms of the Subdivision Regulations of the City, the prescribed financial assurances in a form acceptable to the City to ensure the construction of the improvements and the payment to the City of all engineering fees, permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the construction of the improvements.

**Section 3** – Upon compliance with all the requirements of this Ordinance, including the conditions described in “Exhibit B,” which was incorporated by reference into this Ordinance in Section 1, the City Clerk is hereby authorized to endorse Council’s approval upon the final plat pursuant to Section 445.030 RSMo and that such endorsement shall constitute the acceptance of the public improvements contained therein.

**Section 4** – This Ordinance shall be in full force and effect from and after its passage, but is subject to Section 36-226 of the Land Development Code.

Passed at meeting: ________________________________

______________________________
Mayor

Attest: ________________________________, City Clerk

Filed as Ordinance: ________________________________

Approved as to form: ________________________________, Assistant City Attorney

Approved for Council action: ________________________________, City Manager
EXPLANATION TO COUNCIL BILL 2018-042

FILED: 01-23-18

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To authorize the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield as shown on the Preliminary Plat of Battlefield Business Center No. 13, said subdivision being generally located at 2300 West Sunset Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Planning and Zoning Commission recommend approval and staff recommends that City Council accept the public streets and easements).

BACKGROUND INFORMATION:

A. An original Preliminary Plat of Battlefield Business Center No. 13 dated November 24, 2017, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in "Exhibit C - Attachment 2."

B. The Planning and Zoning Commission held a public hearing on January 11, 2018, and approved the preliminary plat by a vote of 6 to 0, subject to the following conditions:

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

   a. Public sewer is currently available for the proposed lot. Show existing sewer and sewer easement. If no existing easement is found, a new one will need to be dedicated.

   b. If the project increases the amount of impervious surfacing; detention and water quality is required per Chapter 96. Buyout in lieu of stormwater detention is not applicable as regional detention is provided. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required.
2. All required drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

   All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

   Section 36-226 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 as “Exhibit C – Attachment 2” is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this area as appropriate for Light Industrial, Office and Office warehouse.

This Ordinance supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a sustainable manner.
REMARKS: Staff recommends approval.

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, Development Review Staff Report

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Preliminary Plat
Preliminary Plat – Battlefield Business Center No. 13
2300-2400 West Sunset Street
**Applicant:** Battlefield Business Center II, LLC

Mr. Hosmer stated that this is to approve a 10-lot plat generally located in the 2300 block of West Sunset. The Plan identifies this as an appropriate area for Light Industrial, Office and Office warehouse. The 14 acres of property is zoned GM, General Manufacturing. All streets have been constructed. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of easements. An approved preliminary plat is active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Rick Wilson, 1835 South Stewart, representing the owner. Noted that this is the last phase of an older industrial park and owner had allowed the plat to expire. Detention is in place and each lot will have water quality.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**
Mr. Coltrin motioned to **approve** Battlefield Business Center No. 13 (2300-2400 West Sunset Street). Mr. Thomas seconded the motion. Ayes: Doennig, Shuler, Thomas, Rose, Broekhoven, and Coltrin. Nays: None. Abstain: None. Absent: Cox and Ogilvy.

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Bob Hosmer, AICP
Principal Planner
Conditions Required for Approval

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.

   c. Public sewer is currently available for the proposed lot. Show existing sewer and sewer easement. If no existing easement is found, a new one will need to be dedicated.

   d. If the project increases the amount of impervious surfacing; detention and water quality is required per Chapter 96. Buyout in lieu of stormwater detention is not applicable as regional detention is provided. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required.

2. All required drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.
7. All required improvements shall be the sole responsibility of the sub-divider. The improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

8. A final plat must be submitted within two years of City Council’s acceptance of the public streets and easements.
CASE NUMBER: Preliminary Plat of Battlefield Business Center No. 13 Subdivision

LOCATION: 2300 Block of West Sunset Street

ACRES: 14.42

EXISTING LAND USE: Vacant land

APPLICANT: Battlefield Business Center II, LLC

STAFF RECOMMENDATIONS: Approve

PROPOSED MOTION: Move to approve the 10-lot preliminary plat of Battlefield Business Center No. 13 Subdivision.

SUMMARY OF REQUEST:
The applicant is proposing a 10-lot preliminary plat for the Battlefield Business Center No. 13 Subdivision.

FINDINGS FOR STAFF RECOMMENDATION:
1. The applicant’s proposal, with the conditions listed below are consistent with the City’s Subdivision Regulations.

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>ZONING</td>
<td>GM</td>
<td>GM</td>
<td>GM</td>
<td>HM</td>
</tr>
<tr>
<td>LAND USE</td>
<td>Vacant land/ Manufacturing uses</td>
<td>Vacant land/ Manufacturing uses</td>
<td>Manufacturing uses</td>
<td>Vacant land</td>
</tr>
</tbody>
</table>
PROPERTY HISTORY:
The subject property was originally zoned General Manufacturing District in 1995 during the citywide re-mapping.

ZONING ORDINANCE REQUIREMENTS:

<table>
<thead>
<tr>
<th>CODE ITEM</th>
<th>REQUIREMENTS FOR: GM, General Manufacturing District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Uses</td>
<td>Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, and business and sales offices accessory thereto. Warehouses, storage and distribution centers.</td>
</tr>
<tr>
<td>Use Limitations</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>None</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>None, however, in no event may a structure be erected closer than 30 feet from the centerline of the street, except as permitted by subsection 36-303(17)(b).</td>
</tr>
<tr>
<td>Side and Rear Setbacks</td>
<td>None, however, in no event may a structure be erected closer than 30 feet from the centerline of the street, except as permitted by subsection 36-303(17)(b).</td>
</tr>
<tr>
<td>Open Space Requirement</td>
<td>15%</td>
</tr>
<tr>
<td>Design Requirements</td>
<td>Refuse storage areas, mechanical and electrical equipment shall be screened</td>
</tr>
</tbody>
</table>

BULK PLANE | BUFFERYARDS AND LANDSCAPING

None | None

COMPATIBILITY WITH COMPREHENSIVE PLAN:
The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Light Industrial, Office and Office warehouse. Manufacturing, assembly, office and warehousing activities are included in this category.

STAFF COMMENTS:
1. The applicant is proposing to subdivide approximately 14.42 acres of property into a ten-lot subdivision named “Battlefield Business Center No. 13 Subdivision”.
2. The property will have access to previously constructed roads along Sunset Street, Austin Avenue, Vista Street and Park Avenue.
3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of easements. An approved preliminary plat is active for two (2) years.
4. The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1.

PUBLIC COMMENTS:
The property was posted 10 days prior to the Planning and Zoning Commission meeting.
BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues with preliminary plat.

CITY UTILITIES:

All utilities are in place. We may need additional easement for existing utilities at final plat stage.

CLEAN WATER SERVICES COMMENTS:

Each lot has access to public sewer and a service lateral. The service lateral for lot 7 is not clearly located on our plans although it is shown.

FIRE DEPARTMENT COMMENTS:

Fire has no objections to the preliminary plat.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

City's Transportation Plan classifies W. Sunset Street as a Secondary Arterial roadway, S. Austin Avenue as a Collector roadway, and W. Vista Street and S. Park Avenue as Local roadways. The standard right-of-way width for W. Sunset Street is 35 feet from the centerline. The standard right-of-way width for S. Austin Avenue is 30 feet from the centerline. The standard right-of-way widths for both W. Vista Street and S. Park Avenue are 30 feet from the centerline. It appears additional right-of-way is not needed. A survey is recommended to determine the exact amount of existing right of way. W. Sunset Street, S. Austin Avenue, W. Vista Street, and S. Park Avenue are all City maintained streets. The most recent traffic count on W. Sunset Street west of S. Kansas Expressway is 4,342 vehicles per day. There are no recent traffic counts on these sections of S. Austin Avenue, W. Vista Street, or S. Park Avenue. There are currently no driveway access points to the proposed property or to the proposed lots, but access will be granted, given that the proposed driveway approach locations meet the minimum spacing requirements spelled out in the City Code. There is currently sidewalk along the property frontage of W. Sunset Street, S. Austin Avenue, W. Vista Street, and S. Park Avenue. The existing infrastructure meets current city standards. On-street parking is currently permitted along this section of W. Sunset Street since the street dead-ends. When this section of W. Sunset Street extends to connect with Scenic Avenue to the west, on-street parking will no longer be permitted. On-street parking is not permitted along S. Austin Avenue. On-street parking is permitted along both W. Vista Street and S. Park Avenue. There is the South Creek Greenway Trail just to the north of the property pertaining to this plat. There are not bus stops along any of the streets pertaining to the property in this plat – but there are bus stops along Battlefield Road to the south of this property. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. No improvements are required as a part of this plat. The City of Springfield is planning to eventually connect W. Sunset Street over to Scenic Avenue to the west. There is not currently a timeline for when this extension of Sunset Street will occur.

<table>
<thead>
<tr>
<th>Public Works Traffic Division</th>
<th>Response</th>
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<tbody>
<tr>
<td>Street classification</td>
<td>W. Sunset Street – Secondary Arterial</td>
</tr>
<tr>
<td></td>
<td>S. Austin Avenue – Collector</td>
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<tr>
<td></td>
<td>W. Vista Street – Local</td>
</tr>
<tr>
<td></td>
<td>S. Park Avenue – Local</td>
</tr>
<tr>
<td>On-street parking along streets</td>
<td>W. Sunset Street – Yes, tentatively</td>
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<td>S. Austin Avenue – No</td>
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Trips generated - Peak Hour

<table>
<thead>
<tr>
<th>Street</th>
<th>Vehicles (GM)</th>
</tr>
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<tbody>
<tr>
<td>W. Vista Street</td>
<td>N/A</td>
</tr>
<tr>
<td>S. Park Avenue</td>
<td>Yes</td>
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Additional Trips generated with zoning change - Peak Hour

<table>
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<tr>
<th>Street</th>
<th>Vehicles (GM)</th>
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<tbody>
<tr>
<td></td>
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Existing street right of way widths

<table>
<thead>
<tr>
<th>Street</th>
<th>Width from Centerline</th>
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<tbody>
<tr>
<td>W. Sunset Street</td>
<td>35 ft.</td>
</tr>
<tr>
<td>S. Austin Avenue</td>
<td>30 ft.</td>
</tr>
<tr>
<td>W. Vista Street</td>
<td>30 ft.</td>
</tr>
<tr>
<td>S. Park Avenue</td>
<td>30 ft.</td>
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</table>

Standard right of way widths

<table>
<thead>
<tr>
<th>Street</th>
<th>Width from Centerline</th>
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<tbody>
<tr>
<td>W. Sunset Street</td>
<td>35 ft.</td>
</tr>
<tr>
<td>S. Austin Avenue</td>
<td>30 ft.</td>
</tr>
<tr>
<td>W. Vista Street</td>
<td>30 ft.</td>
</tr>
<tr>
<td>S. Park Avenue</td>
<td>30 ft.</td>
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Traffic study submitted

<table>
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<tr>
<th>Requirement</th>
<th>Response</th>
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</thead>
<tbody>
<tr>
<td>Traffic study submitted</td>
<td>Not required*</td>
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</table>

Proposed street improvements

<table>
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<th>Requirement</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed street improvements</td>
<td>None required</td>
</tr>
</tbody>
</table>

*A traffic study was not required. The property is not rezoning. Subdividing the lot into 10 lots does not change the uses permitted in the existing GM zoning. No additional trips generated are anticipated based on the subdivision of the lot.

**STORMWATER COMMENTS:**

The property is in the South Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required per Chapter 96. Buyout in lieu of stormwater detention is not applicable as regional detention is provided. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required.

If disturbing more than an acre water quality will be required as the regional detention does not have water quality included.

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

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100-year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.
3. Please keep in mind that more detailed stormwater calculations must be submitted before any permits can be approved.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Response</th>
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<tbody>
<tr>
<td>Drainage Basin</td>
<td>South Creek</td>
</tr>
<tr>
<td>Is property located in Floodplain?</td>
<td>No</td>
</tr>
<tr>
<td>Is property located on a sinkhole?</td>
<td>No</td>
</tr>
<tr>
<td>Is stormwater buyout an option?</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision shall follow 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.