AN ORDINANCE

AUTHORIZING the Director of Planning and Development to accept the dedication to the City of Springfield of public streets and easements shown on the Preliminary Plat of Linwood Heights Revenge, said subdivision being generally located at 2100 East Sunshine 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 recommends that City Council accept the public streets and easements).

WHEREAS, an original preliminary plat of the Linwood Heights Revenge subdivision, dated December 27, 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 Linwood Heights Revenge, which is generally located at 2100 East Sunshine 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 Linwood Heights Revenge, which is generally located at 2100 East Sunshine Street, as approved by the Planning and Zoning Commission. The original plat of Linwood Heights Revenge 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 3,” 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 this Ordinance and the Subdivision Regulations of the City,
which final 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 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. Said public
improvements shall not be accepted until the occurrence of the above written
conditions.

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, and are approved by the Director of
Public Works, 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 City
Council’s approval upon the final plat pursuant to Section 445.030, RSMo., and 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 2018-043

FILED: 01-23-18

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To authorize the Director of Planning and Development to accept the dedication to the City of Springfield of public streets and easements shown on the Preliminary Plat of Linwood Heights Revenge, said subdivision being generally located at 2100 East Sunshine 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 recommends that City Council accept the public streets and easements).

BACKGROUND INFORMATION:

A. An original Preliminary Plat of Linwood Heights Revenge dated December 27, 2017, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in “Exhibit B - Attachment 3.”

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. Dedicate new easements to cover existing sanitary sewer and show all existing easements of record.

   b. A stormwater detention permit will be required for the private, onsite detention and/or water quality facility. This permit may be obtained through the Building Development Services (“BDS”) office, once the stormwater plans and calculations have been approved. The cost of this permit is $155. These facilities must be constructed, inspected, approved and operational prior to issuance of the building permit.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
a. Approximately five (5) feet of additional right-of-way is required for 50 total feet of right-of-way from the centerline of the roadway of Sunshine Street (based on classification as a Primary Arterial).

b. No direct access is permitted to Sunshine Street from this lot.

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 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 Medium Intensity Retail, Office or Housing.

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:

Daniel Neal, Senior Planner

Recommended by:  

Mary Lilly Smith, Director

Approved by:  

Greg Burris, City Manager

EXHIBITS:
Exhibit A, Record of Proceedings
Exhibit B, Conditions of Plat Approval
Exhibit C, Development Review Staff Report

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Conditions of Plat Approval
Attachment 3, Preliminary Plat
Mr. Hosmer stated that the applicant would like the cases to be considered together.

COMMISSION ACTION:

Mr. Coltrin motioned to combine Z-2-2018 w/COD #142 and Preliminary Plat - Linwood Heights Revenge (2100 East Sunshine Street). Mr. Rose seconded the motion. Ayes: Doennig, Shuler, Thomas, Rose, Broekhoven, and Coltrin. Nays: None. Abstain: None. Absent: Cox and Ogilvy

Mr. Hosmer stated that this is a request to rezone approximately 0.12 acre of property generally located at 2104 East Sunshine from R-SF, Single-Family Residential District, to O-1, Office District, and establishing Conditional Overlay District No. 142. The Growth Management and Land Use Plan designates this area as appropriate 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 Major Thoroughfare Plan classifies Sunshine Street as a primary arterial roadway which supports the proposed land use. This rezoning will create a mixed zoned lot and the applicant will be required to place a bufferyard between the two different districts on their own property. A Type C will require at least a 15ft wide bufferyard between O-1 and R-SF zoning districts. Maximum height of 35 feet and no building shall be higher than a 45-degree bulk plane adjacent to R-SF Districts.

Mr. Hosmer also stated that this is a request 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 for both the zoning and the preliminary plat.

Mr. Doennig opened the public meeting
Mr. Jared Rasmussen, 550 St. Louis Street, representing the applicant. This is a spike strip and the insurance company next to it is planning to expand their parking lot. At the neighborhood meeting, the neighbors were pleased about the buffer and offered no negative comments.

Mr. Doennig closed the public meeting.

**COMMISSION ACTION:**
Mr. Coltrin motioned to approve Z-2-2018 w/COD #142 (2100 East Sunshine Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Shuler, Thomas, Rose, Broekhoven, and Coltrin. Nays: None. Abstain: None. Absent: Cox and Ogilvy

**COMMISSION ACTION:**

Bob Hosmer, AICP
Principal Planner
Conditions of Plat 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. Dedicate new easements to cover existing sanitary sewer and show all existing easements of record.

d. A stormwater detention permit will be required for the private, onsite detention and/or water quality facility. This permit may be obtained through the Building Development Services (“BDS”) office, once the stormwater plans and calculations have been approved. The cost of this permit is $155. These facilities must be constructed, inspected, approved and operational prior to issuance of the building permit.

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

c. Approximately five (5) feet of additional right-of-way is required for 50 total feet of right-of-way from the centerline of the roadway of Sunshine Street (based on classification as a Primary Arterial).

d. No direct access is permitted to Sunshine Street from this lot.

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

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

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

10. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.
CASE NUMBER: Preliminary Plat of Linwood Heights Revenge Subdivision

LOCATION:  2100 block E. Sunshine Street

ACRES:  1 acre

EXISTING LAND USE: Vacant/undeveloped

APPLICANT: E Sunshine Land, LLC

STAFF:  Daniel Neal, 864-1036

STAFF RECOMMENDATIONS: Approve w/Conditions

PROPOSED MOTION: Move to approve a one lot preliminary plat.

SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a one lot subdivision named “Linwood Heights Revenge”.

FINDINGS FOR STAFF RECOMMENDATION:

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

SURROUNDING ZONING AND LAND USES:

<table>
<thead>
<tr>
<th>NORTH</th>
<th>SOUTH</th>
<th>EAST</th>
<th>WEST</th>
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<tbody>
<tr>
<td>ZONING</td>
<td>O-1</td>
<td>R-SF</td>
<td>R-SF and O-1</td>
</tr>
<tr>
<td>LAND USE</td>
<td>Office uses</td>
<td>Single-family residences</td>
<td>Vacant/undeveloped and single family residences</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Single family residences and office uses</td>
</tr>
</tbody>
</table>
**PROPERTY HISTORY:**
The subject property was originally zoned R-SF, Single-family residential in 1995 during the citywide re-mapping.

**COMPATIBILITY WITH THE ZONING ORDINANCE:**

<table>
<thead>
<tr>
<th>CODE ITEM</th>
<th>REQUIREMENTS FOR O-1 &amp; R-SF</th>
</tr>
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<tbody>
<tr>
<td>Use Limitations</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>N/A</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>25 feet along a primary arterial street</td>
</tr>
<tr>
<td>Side and Rear Setbacks</td>
<td>10 feet for side and 20% of the depth but not less than 10 feet nor more than 25 feet in O-1</td>
</tr>
<tr>
<td>Open Space Requirement</td>
<td>20%</td>
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<tr>
<td>Design Requirements</td>
<td>N/A</td>
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</tbody>
</table>

**BULK PLANE**

<table>
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<tr>
<th>LANDSCAPING</th>
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<td>N/A</td>
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**COMPATIBILITY WITH COMPREHENSIVE PLAN:**
The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the northern part of this lot 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 *Major Thoroughfare Plan* classifies Sunshine Street as a primary arterial roadway which supports the proposed land use. The southern portion of this lot is identified as appropriate for Low-Density Housing; however, the applicant isn’t proposing any changes to this area.

**STAFF COMMENTS:**

1. The applicant is proposing to subdivide approximately one acre into a one lot subdivision named “Linwood Heights Revenge”. This preliminary plat is being processed concurrently with rezoning request Z-2-2018 COD #142 which will rezone the north 106 feet to O-1 and leave the remaining property R-SF. The applicant is proposing to construct additional off-street parking for the adjacent office building at 2104 E. Sunshine Street.

2. No access is allowed to Sunshine Street from this lot. The rezoning request will require the proposed lot to be combined with the lot at 2104 E. Sunshine Street so any access to this lot will be taken from Link Avenue.

3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

4. The property is required to be approved through the major subdivision process because its current configuration does not match the City’s subdivision records and a deed was not presented that created this lot following the Subdivision Regulations.

5. The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1.

**PUBLIC NOTIFICATION:**
The property was posted 10 days prior to the Planning and Zoning Commission meeting.
BUILDING DEVELOPMENT SERVICES COMMENTS:
No comments.

CITY UTILITIES:
No impact on utilities, no objection to approval.

CLEAN WATER SERVICES COMMENTS:
Address changemarks regarding required sanitary sewer easements.

FIRE DEPARTMENT COMMENTS:
Fire has no objections to the preliminary plat.

MODOT COMMENTS:
Need 5 feet additional right-of-way per item 28 of engineering report.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:
City's Transportation Plan classifies E. Sunshine Street as a Primary Arterial roadway and S. Link Avenue as a Local roadway. The standard right-of-way width for E. Sunshine Street is 50 feet from the centerline. E. Sunshine Street is under MODOT jurisdiction – defer to MODOT for comments regarding access and right-of-way acquisition along E. Sunshine Street. The standard right-of-way width for S. Link Avenue is 25 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. E. Sunshine Street is a MODOT maintained street and S. Link Avenue is a city maintained street. The most recent traffic count on E. Sunshine Street east of S. Glenstone Avenue is 34,134 vehicles per day. The most recent traffic count on S. Link Avenue south of E. Sunshine Street is 688 vehicles per day. As a part of the Conditional Overlay District #142, it is required that the area being rezoned is to be combined with the property abutting to the west. Therefore, the only access permitted to the combined properties will be to S. Link Avenue. There is sidewalk along the property frontage of E. Sunshine Street. The existing infrastructure meets current city standards. On-street parking is not allowed along E. Sunshine Street. There is a Greenway Trail southeast of the property pertaining to this zoning on Seminole Street. There are bus stops along E. Sunshine Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. The City has no planned improvements in the area pertaining to this zoning. There are no right-of-way improvements required as a part of this rezoning. Please verify with MODOT that additional right-of-way is not needed to ensure there is 50 total feet of right-of-way from the centerline of the roadway of Sunshine (based on classification as a Primary Arterial).
**Street classification**  
E. Sunshine Street – Primary Arterial

**On-street parking along streets**  
E. Sunshine Street – No

**Trips generated - Peak Hour**  
5.15 vehicles (R-SF)  
45.32 vehicles (O-1)

**Additional Trips generated with zoning change - Peak Hour**  
40.17 vehicles

**Existing street right of way widths**  
E. Sunshine Street - 45 ft. from the centerline

**Standard right of way widths**  
E. Sunshine Street - 50 ft. from the centerline

**Traffic study submitted**  
Not required*

**Proposed street improvements**  
None required

*A traffic study was not required. A change in zoning from R-SF to O-1 for the proposed property does not exceed 100 additional trip ends in the AM or PM Peak Hours or 1,000 additional trip ends in a day – therefore, it does not trigger the requirement of a Traffic Study.

**STORMWATER COMMENTS:**

The property is in the Galloway Creek Branch 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 on-site stormwater detention not an option and detention will be required. Since the project will not be disturbing more than one (1) acre a land disturbance permit will not be required.

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. A stormwater detention permit will be required for the private, onsite detention and/or water quality facility. This permit may be obtained through the Building Development Services (BDS) office, once the stormwater plans and calculations have been approved. The cost of this permit is $155. These facilities must be constructed, inspected, approved and operational prior to issuance of the building permit.
REQUIREMENTS FOR APPROVAL:

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

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
   a. Public sewer and service lateral currently available for each proposed lot. Dedicate new easements to cover existing sanitary sewer and show all existing easements of record.
   b. A stormwater detention permit will be required for the private, onsite detention and/or water quality facility. This permit may be obtained through the Building Development Services (BDS) office, once the stormwater plans and calculations have been approved. The cost of this permit is $155. These facilities must be constructed, inspected, approved and operational prior to issuance of the building permit.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
   a. Approximately five (5) feet of additional right-of-way is required for 50 total feet of right-of-way from the centerline of the roadway of Sunshine Street (based on classification as a Primary Arterial).
   b. No direct access is permitted to Sunshine Street from this lot.

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.

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.