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 ISSO Temple, said subdivision being generally located at 1411 West Kearney 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).

WHEREAS, an original Preliminary Plat of the ISSO Temple subdivision, dated November 14, 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 ISSO Temple, which is generally located at 1411 West Kearney 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 ISSO Temple, which is generally located at 1411 West Kearney Street, as approved by the Planning and Zoning Commission. The original plat of ISSO 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 with the
Approved Preliminary Plat, including those conditions described in “Exhibit B,” which is attached hereto and incorporated herein by this reference and 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 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- 044

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 ISSO Temple, generally located at 1411 West Kearney 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 ISSO Temple dated November 14, 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 and service lateral currently available for each proposed lot. Dedicate new easements to cover existing sanitary sewer and show all existing easements of record.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
   
   a. The standard right-of-way width for North Fort Avenue is 25 feet from the centerline. It appears 10 feet of additional right-of-way is needed along North Fort Avenue. The proposed lot two will therefore need a cross-access easement for access to Kearney Street. A driveway access point
will not be permitted onto North Fort Avenue unless Fort Avenue is improved to meet City Standards north from Kearney Street to the proposed driveway access point and a sidewalk will be required on at least one side of the street.

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 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:  

Mary Lilly Smith, Director

Approved by:

Greg Burris, City Manager

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

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Preliminary Plat
Preliminary Plat – ISSO Temple Subdivision
1411 West Kearney Street
Applicant: Gray & Associates, LLC

Mr. Hosmer stated that this is a request to approve a 2-lot Plat generally located at 1411 West Kearney Street. The Plan identifies this area as Medium-Intensity Retail, Office or Housing. This 3.93-acres of property is currently zoned HC, Highway Commercial. Lot 2 will not have access to Fort Avenue unless the street and sidewalks are constructed per city standards. An access easement will be required to allow Lot 2 access to Kearney Street. 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. Michael Gray, 2548 N. State Hwy F, Ash Grove, representing of the applicant. Plan to use the access easement across the Dairy Queen lot to access the back part which was previously laser-tag/paint-ball/batting-cages business and do not plan to access Fort Avenue.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

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.

   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.

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

   a. The standard right-of-way width for North Fort Avenue is 25 feet from the centerline. It appears 10 feet of additional right-of-way is needed along North Fort Avenue. The proposed lot two will therefore need a cross-access easement for access to Kearney Street. A driveway access point will not be permitted onto North Fort Avenue unless Fort Avenue is improved to meet City Standards north from Kearney Street to the proposed driveway access point and a sidewalk will be required on at least one side of the street.

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.

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 ISSO Temple Subdivision

LOCATION: 1411 West Kearney Street

ACRES: 3.93

EXISTING LAND USE: Restaurant and vacant buildings

APPLICANT: Sadhikrupa Inc.

STAFF: Bob Hosmer, AICP 864-1834

STAFF RECOMMENDATIONS: Approve

PROPOSED MOTION: Move to approve the two-lot preliminary plat of ISSO Temple Subdivision.

SUMMARY OF REQUEST:

The applicant is proposing a two-lot preliminary plat for the ISSO Temple 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>ZONING</th>
<th>NORTH</th>
<th>SOUTH</th>
<th>EAST</th>
<th>WEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND USE</td>
<td>Single family residence and storage facility</td>
<td>Commercial uses</td>
<td>Commercial uses</td>
<td>Commercial uses</td>
</tr>
</tbody>
</table>
GROWTH MANAGEMENT AND LAND USE PLAN:
PROPERTY HISTORY:
The subject property was originally zoned HC, Highway Commercial in 1995 during the citywide re-mapping.

ZONING ORDINANCE REQUIREMENTS:

<table>
<thead>
<tr>
<th>CODE ITEM</th>
<th>REQUIREMENTS FOR: HC, Highway Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Uses</td>
<td>Restaurants and churches or places of worship are a permitted use</td>
</tr>
<tr>
<td>Use Limitations</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>None, except 30-degree bulk plane adjacent to R-SF or R-TH</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>None, except for bufferyards, open space and bulk plane requirements</td>
</tr>
<tr>
<td>Open Space Requirement</td>
<td>20%</td>
</tr>
<tr>
<td>Design Requirements</td>
<td>Refuse storage areas and parking adjacent to residential shall be screened</td>
</tr>
</tbody>
</table>

BULK PLANE

30 Degree Bulk Plane from R-SF or R-TH

BUFFERYARDS AND LANDSCAPING

Type F Bufferyard: 3 canopy trees, 3 understory, 4 evergreens and 20 shrubs. If 20-foot buffer is used a six-foot wood fence or solid masonry/brick wall or six-foot solid evergreen hedge is required.

COMPATIBILITY WITH 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 back portion of this tract is identified as Medium or High Density Housing. The Major Thoroughfare Plan classifies Kearney Street as a primary arterial roadway which supports the proposed land uses and Fort Avenue as a local roadway.

STAFF COMMENTS:
1. The applicant is proposing to subdivide approximately 3.93 acres of property into a two-lot subdivision named “ISSO Temple Subdivision”.
2. There is an existing restaurant, Dairy Queen, on lot 1 and vacant buildings on lot 2 which will be remodeled for worship uses for the ISSO Temple.
3. Lot 2 will not have access to Fort Avenue unless the street and sidewalks are constructed per city standards. A cross access easement will be required to allow Lot 2 access to Kearney Street if access is not needed to Fort Avenue.
4. 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.
5. 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.
DEPARTMENT COMMENTS:

BUILDING DEVELOPMENT SERVICES COMMENTS:

Specific information must be shown on the plat that will identify the source of the flood plain information (map panel etc.) Strongly suggest that an analysis of the proposed FEMA revisions to avoid future issues.

CITY UTILITIES:

No impact on utilities, no objection to approval.

CLEAN WATER SERVICES COMMENTS:

Address changes regarding required sanitary sewer easements at various locations.

FIRE DEPARTMENT COMMENTS:

Fire has no objections to the preliminary plat.

MODOT COMMENTS:

No comments, no objection to approval.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

City's Transportation Plan classifies W. Kearney Street as a Primary Arterial roadway and N. Fort Avenue as a Local roadway. The standard right-of-way width for W. Kearney Street is 50 feet from the centerline. W. Kearney Street is under MODOT jurisdiction. Defer to MODOT for comments regarding right-of-way and access onto W. Kearney Street. The standard right-of-way width for N. Fort Avenue is 25 feet from the centerline. It appears 10 feet of additional right-of-way is needed along N. Fort Avenue. A survey is recommended to determine the exact amount of existing right of way. N. Fort Avenue is a city maintained street. W. Kearney Street is a MODOT maintained street. The most recent traffic count on W. Kearney Street east of N. Kansas Expressway is 23,613 vehicles per day. There are no recent traffic counts for this section of N. Fort Avenue. There is currently one driveway access point to the property from W. Kearney Street. The proposal is to divide the property – there will therefore need to be a cross-access easement with Lot 1 to access Kearney Street. A driveway access point will not be permitted onto N. Fort Avenue unless Fort Avenue is improved to meet City Standards north from Kearney Street to the driveway access point. There is sidewalk along the property frontage of W. Kearney Street. Defer to MODOT for comments regarding sidewalk on W. Kearney Street. If N. Fort Avenue is to be improved, sidewalk will be required on at least one side of the street. On-street parking is not allowed along W. Kearney Street. There is not a Greenway Trail in the area pertaining to this plat. There are bus stops along W. Kearney Street. As a part of a separate development, improvements will be made to the intersection of Kearney Street and Kansas Expressway just to the west of this proposed plat. Improvements required by this property will depend on whether access is being taken to N. Fort Avenue. If access will be taken to N. Fort Avenue, the street will need to be improved from W. Kearney Street to the access point.

<table>
<thead>
<tr>
<th>Public Works Traffic Division</th>
<th>Response</th>
</tr>
</thead>
</table>
| Street classification        | W. Kearney Street – Primary Arterial  
N. Fort Avenue – Local       |
| On-street parking along streets | W. Kearney Street – No  
N. Fort Avenue – No, unless improvements are made |
| Trips generated - Peak Hour  | N/A vehicles (HC) |
**Traffic study submitted**

Not required*

**Proposed street improvements**

None required

*A traffic study is not required as a part of the plat. If there will be a change in uses of the existing structures that will increase the trip generation for the property beyond 100 additional trip-ends in the AM/PM peaks or 1,000 additional trip-ends per day, a Traffic Study may be required. The subdivision itself does not trigger the requirement of a Traffic Study.

**STORMWATER COMMENTS:**

The property is in the Pea Ridge Creek drainage basin. The property is 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, paying a fee in lieu of stormwater detention may be allowed due to this site’s proximity to the floodplain. Since the project will be 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. 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.
4. When this site is developed and impervious area is being added a buyout, paying a fee in lieu of stormwater detention may be allowed, but if more than an acre of land is disturbed water quality will still be required.

<table>
<thead>
<tr>
<th>Public Works Stormwater Division</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage Basin</td>
<td>Pea Ridge Creek</td>
</tr>
<tr>
<td>Is property located in Floodplain</td>
<td>Yes</td>
</tr>
<tr>
<td>Is property located on a sinkhole</td>
<td>No</td>
</tr>
<tr>
<td>Is stormwater buyout an option</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**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.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on
a. The standard right-of-way width for North Fort Avenue is 25 feet from the centerline. It appears 10 feet of additional right-of-way is needed along North Fort Avenue. The proposed lot two will therefore need a cross-access easement for access to Kearney Street. A driveway access point will not be permitted onto North Fort Avenue unless Fort Avenue is improved to meet City Standards north from Kearney Street to the proposed driveway access point and a sidewalk will be required on at least one side of the street.

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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.