Sponsored by: Schilling

First Reading: Second Reading:

COUNCIL BILL 2018-268 SPECIAL ORDINANCE

AN ORDINANCE

AUTHORIZING the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of “Cherry Hills Village,” generally located at 4653 South Campbell Avenue, 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 the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

WHEREAS, an original Preliminary Plat of “Cherry Hills Village,” dated August 27, 2018, is on file with the City’s Department of Planning and Development; and

WHEREAS, on October 11, 2018, the Planning and Zoning Commission held a public hearing and approved the preliminary plat and two subdivision variances for “Cherry Hills Village,” which is located generally at 4653 South Campbell Avenue, as a subdivision of the City of Springfield, Greene County, Missouri.

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 to accept the land and easements dedicated to the City for public use as shown on the Preliminary Plat of “Cherry Hills Village,” generally located at 4653 South Campbell Avenue, as approved by the Planning and Zoning Commission, the original of which is on file in the Department of Planning and Development (“Approved Preliminary Plat”), a reduced copy of which is depicted in "Exhibit B - Attachment 3" upon the applicant 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 established by the Planning and Zoning Commission, said conditions being described in “Exhibit B – Attachment 2,” a copy of which is attached hereto and all of “Exhibit B,” including all attachments, is incorporated herein by this reference, and hereby authorizes acceptance of the public improvements required by
Section 2 – The final plat shall not be recorded until: (1) all public improvements relating to the Approved Preliminary Plat have been constructed by the person or party subdividing the property according to the specifications of the City and all improvements are approved in writing by the Director of Public Works; and (2) applicant has paid to the City all engineering fees, permit fees, licenses, and other fees occasioned by the construction of the improvements; or, 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 to ensure the construction of the improvements.

Section 3 – Upon compliance with all the requirements of this Ordinance, including the conditions described in “Exhibit B – Attachment 2” which was incorporated by reference into this Ordinance in Section 1 as part of “Exhibit B,” the City Clerk is hereby authorized to endorse City Council’s approval upon the final plat pursuant to Section 445.030, RSMo.

Section 4 – This Ordinance shall be in full force and effect from and after passage 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 2018-268

FILED: 10-30-18

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of “Cherry Hills Village,” generally located at 4653 South Campbell Avenue, 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 the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

A. An original Preliminary Plat of Cherry Hills Village dated August 27, 2018, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in Attachment 3.

B. The Planning and Zoning Commission held a public hearing on October 11, 2018, and approved the preliminary plat by a vote of 8 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. A Traffic Impact Study and/or improvements will be required if the proposed uses exceed more than 100 additional trips generated in the AM/PM peak hours or more than 1,000 trips daily.

   b. Dedicate public right-of-way along Cherry Street so that there is 35 feet from centerline.

   c. Stormwater detention will be required and a geotechnical report will be required if working in or around a sinkhole area. Detention will be required and a fee in lieu of detention will not be allowed. If adding more than one acre of impervious water quality will be required as well for each lot.
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 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 the subject property as appropriate for Low-Density Housing. However, the properties adjacent to the subject property on the north and the east are zoned for general industrial uses.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies a portion of the subject property located at the northwest corner as appropriate
for General Industry, Transportation and Utilities.

REMARKS:

Staff recommends approval.

Submitted by:

Michael Sparlin, Senior Planner

Recommended by: Approved by:

Mary Lilly Smith, Director  Jason Gage, City Manager

EXHIBITS:
Exhibit A, Record of Proceedings
Exhibit B, Zoning and Subdivision Staff Report

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Conditions of Plat Approval
Attachment 3, Preliminary Plat
Preliminary Plat of Cherry Hills Village  
3040 East Cherry Street  
**Applicant:** Excel Investments, LP

Mr. Hosmer stated that this is a request to approve a 2-lot subdivision located at 3040 East Cherry Street. The applicant is proposing to subdivide approximately thirty-six (36) acres into a two-lot subdivision named “Cherry Hills Village Subdivision.” If Planning and Zoning Commission and City Council approves the preliminary plat is active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Andrew Schaub, 2900 S. Brentwood; Brentwood, MO, representing the owners. This will be a members-only style dog park with daycare and kenneling available and will be adjacent to administrative offices on the property.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**
Mr. Jobe motioned to **approve** Preliminary Plat of Cherry Hills Village (3040 East Cherry Street). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

[Signature]
Bob Hosmer, AICP  
Principal Planner
PLANNING AND ZONING COMMISSION PUBLIC HEARING: OCTOBER 11, 2018
CITY COUNCIL PUBLIC HEARING: NOVEMBER 5, 2018

CASE NUMBER: Preliminary Plat of Cherry Hills Village
LOCATION: 3040 East Cherry Street
ACRES: 36.41 acres
EXISTING LAND USE: Office, telecommunication tower and undeveloped/vacant land
APPLICANT: Excel Investments LP
STAFF: Michael Sparlin, 864-1091
STAFF RECOMMENDATIONS: Approve w/Conditions
PROPOSED MOTION: Move to approve preliminary plat as submitted

SUMMARY OF REQUEST:
The applicant is proposing a preliminary plat for a two-lot subdivision named “Cherry Hills Village Subdivision”

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>
</tr>
</thead>
<tbody>
<tr>
<td>ZONING</td>
<td>GM</td>
<td>R-LD w/ COD No.77</td>
<td>GM</td>
</tr>
<tr>
<td>LAND USE</td>
<td>Stormwater detention &amp; Industrial warehouse</td>
<td>Undeveloped Land</td>
<td>Railroad and Industrial and storage use.</td>
</tr>
</tbody>
</table>
PROPERTY HISTORY:
The subject property was rezoned to HC, GM and R-LD with COD No. 77 in October 2014. At that time, a preliminary plat was also approved for the subject property. However, the property has not developed as intended, and that preliminary plat has expired without final platting of the property.

COMPATIBILITY WITH THE ZONING ORDINANCE:

<table>
<thead>
<tr>
<th>CODE ITEM</th>
<th>REQUIREMENTS FOR HC, GM, R-LD w/ COD No. 77 &amp; GR w/ COD No. 158</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Structure Height</td>
<td>HC: None, except 30-degree bulk plane from R-SF &amp; R-TH districts</td>
</tr>
<tr>
<td></td>
<td>GM: None</td>
</tr>
<tr>
<td></td>
<td>R-LD: maximum 45 feet or three stories above finished grade</td>
</tr>
<tr>
<td></td>
<td>GR: None, except 30-degree bulk plane from R-SF &amp; R-TH districts</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>Identified on submitted preliminary plat</td>
</tr>
<tr>
<td>Side and Rear Setbacks</td>
<td>Identified on submitted preliminary plat</td>
</tr>
<tr>
<td>Open Space Requirement</td>
<td>HC: 20 percent</td>
</tr>
<tr>
<td></td>
<td>GM: 15 percent</td>
</tr>
<tr>
<td></td>
<td>R-LD: 20 percent</td>
</tr>
<tr>
<td></td>
<td>GR: 20 percent</td>
</tr>
</tbody>
</table>

BULK PLANE

<table>
<thead>
<tr>
<th>HC &amp; GR: 30-degree from R-SF &amp; R-TH Districts</th>
<th>LANDSCAPING &amp; BUFFERYARD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.</td>
</tr>
</tbody>
</table>

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the subject property as appropriate for Low-Density Housing. However, the properties adjacent to the subject property on the north and the east are zoned for general industrial uses. An application to rezone a portion of this parcel to General Retail with COD No. 158 will be processed with this preliminary plat.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies a portion of the subject property located at the northwest corner as appropriate for General Industry, Transportation and Utilities.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately thirty-six (36) acres into a two-lot subdivision named "Cherry Hills Village Subdivision". A rezoning of a five (5) area portion of the subject property is currently being processed to rezone from R-LD, Low-density Multi-family Residential District w/ Conditional Overlay District No. 77 to GR, General Retail District and establish Conditional Overlay District No. 158.

2. 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.

3. Stormwater detention will be required and a geotechnical report will be required if working in or around a sinkhole area. Detention will be required and a fee in lieu of detention will not be allowed. If adding more than one acre of impervious water quality will be required as well for each lot.

4. A note on the plat states that a Traffic Study shall be required at the time of development or redevelopment if a proposed use creates an increase in traffic.
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.
ATTACHMENT 1
DEPARTMENT COMMENTS

AT&T COMMENTS:
No comments.

BUILDING DEVELOPMENT SERVICES COMMENTS:
No issues.

CITY UTILITIES:
A water main extension is required to serve lot 1. Water is located to east and west of proposed lot. Extension is done at Developer’s expense with CU approved contractor. Gas and electric facilities are available to serve the proposed lots. Please note there is a high voltage transmission line located at the east side of property. Please maintain all safe clearances from this line per NESC. Contact CU Developer Services if further questions.

CLEAN WATER SERVICES COMMENTS:
No objections to plat.

1. Public sewer is available in Cherry St. Only the front 240 feet approx. of lot 1 would be able to be served by gravity sewer. The south portion of the lot is shown as detention so this should not be an issue.
2. When building plans are submitted, specify the point of connection to public sewer on the utility plan. Dimension the distance to the up and down stream manholes and the size of the proposed lateral.
3. A sewer impact permit fee will be required for the new building. This fee is based on the size of the proposed water meter(s) according to city code no. 120.246. Specify the size of the proposed water meter on the utility plan.
4. Any Food Service Establishment or development with a commercial kitchen must install an approved grease interceptor and may be subject to City Fats, Oils, & Grease Program annual permitting fees.
5. Any commercial development or industrial users may be subject to annual industrial user pretreatment fees exacted by the City. These fee amounts vary dependent upon the volume of water used daily, by type of industry, by various SIC codes, or by any wastewater sampling activities and lab costs incurred by the City, when applicable.
6. Specify the peak and average flow rates on the code summary sheet when building plans are submitted.

FIRE DEPARTMENT COMMENTS:
No issues.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City’s Transportation Plan classifies E. Cherry Street as a Secondary Arterial roadway. The standard right-of-way width for E. Cherry Street is 35 feet from the centerline. It appears approximately 10 feet of additional right-of-way is needed along the property frontage of E. Cherry Street. A survey is recommended to determine the exact amount of existing right-of-way. This portion of E. Cherry Street is a City maintained street.

DRIVEWAY ACCESS
There is currently three driveway access points to the entire tract. All existing driveway approaches appear to meet the minimum spacing requirements from each other for a Secondary Arterial roadway. It appears each proposed lot will have it’s own access to E. Cherry Street, but if any cross-access is desired, cross-access easements must be in place on the final plat. Any new/modified driveway approaches must comply with current City Standard ST-9.

SIDEWALK
There is not currently sidewalk along the property frontage of the entire tract. Sidewalk is required to be constructed at the time of development along the entire length of the property frontage of the current 3040 E. Cherry Street tract.

IMPROVEMENTS
Any improvements and/or a Traffic Impact Study are dependent upon the uses finalized in the rezoning of the property. A Traffic Impact Study and/or improvements will be required if the proposed uses exceed more than 100 additional trips generated in the AM/PM peak hours or more than 1,000 trips daily. The City does not currently have any plans to make improvements to this section of Cherry Street.

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Street Classification</th>
<th>On-Street Parking</th>
<th>Existing Street ROW From Centerline (ft)</th>
<th>Required Street ROW From Centerline (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street 1</td>
<td>E. Cherry Street</td>
<td>Secondary Arterial</td>
<td>25</td>
<td>35</td>
</tr>
</tbody>
</table>

STORMWATER COMMENTS:

The property is in the Jordan Creek South Branch drainage basin. The part of the property is not in a FEMA designated floodplain. Staff is aware of flooding problems in the area. Fee in lieu of on-site stormwater detention will not be allowed and detention will be required. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required. There are sinkholes on the proposed property.

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. Water quality will be required if disturbing more than one acre.
3. Please keep in mind that more detailed stormwater calculations must be submitted before any permits can be approved.

<table>
<thead>
<tr>
<th>Public Works Stormwater Division</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jordan Creek South Branch Drainage Basin</td>
<td>Creek South Branch</td>
</tr>
<tr>
<td>Property located in Floodplain?</td>
<td></td>
</tr>
<tr>
<td>Property located on a sinkhole?</td>
<td></td>
</tr>
<tr>
<td>Fee in lieu of detention allowed?</td>
<td></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.
   a. A Traffic Impact Study and/or improvements will be required if the proposed uses exceed more than 100 additional trips generated in the AM/PM peak hours or more than 1,000 trips daily.
   b. Dedicate public right-of-way along Cherry Street so that there is 35 feet from centerline.
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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 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.