

One-Rdg. _____
P. Hrngs. X
Pgs. 11
Filed: 12-04-18

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2018- 296

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 36, 'Land Development Code,' Article
2 II, 'Subdivision Regulations,' Division 2, 'Subdivision Application
3 Procedure and Approval Process,' Section 36-226, 'Major Subdivision
4 Review Procedure,' subsection (3)(h) 'Effective Period of Preliminary
5 Approval' to limit the effective period of a preliminary plat. (Both
6 Planning and Zoning Commission and Staff recommend approval.)
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9 WHEREAS, currently a preliminary plat is approved for two years and is not
10 limited in the number of times it may be extended; and
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12 WHEREAS, best practices found in most subdivision regulations limit the
13 number of times a preliminary plat may be extended; and
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15 WHEREAS, limiting the preliminary plat to one renewal still allows developers
16 time to complete a project, while addressing projects that are not completed by
17 requiring them to apply for a new preliminary plat; and
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19 WHEREAS, the Planning and Zoning Commission initiated these text
20 amendments to the Zoning Ordinance on May 10, 2018, to address these issues; and
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22 WHEREAS, following proper notice a public hearing was held before the
23 Planning and Zoning Commission on November 8, 2018, which made its
24 recommendation of approval by a vote of 8 to 0.
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26 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
27 SPRINGFIELD, MISSOURI, as follows, that:
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29 Section 1 - Chapter 36 of the Springfield City Code, 'Land Development Code,':
30 Article II, 'Subdivision Regulations,' Division 2, 'Subdivision Application Procedure and
31 Approval Process,' Section 36-226, 'Major Subdivision Review Procedure,' subsection
32 (3)(h) 'Effective Period of Preliminary Approval,' is hereby amended to read as follows:

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NOTE: Language to be added is underlined. Language to be removed is ~~stricken~~.

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

(h) Effective period of preliminary approval.

- 1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraphs ~~2. and 3.~~ below.
- 2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one an indefinite number of times. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.
- ~~3. Submission of the final plat for any portion of a subdivision shall automatically validate the remainder of the preliminary plat for a period of two years from the date the final plat is submitted.~~

Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause, or phrase be declared invalid.

Section 4 – This Ordinance shall be in full force and effect from and after passage.


Passed at meeting: _____

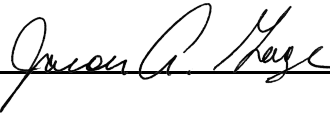
Mayor

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Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2018-296

FILED: 12-04-18

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield City Code, Chapter 36, 'Land Development Code,' Article II, 'Subdivision Regulations,' Division 2, 'Subdivision Application Procedure and Approval Process,' Section 36-226, 'Major Subdivision Review Procedure,' subsection (3)(h) 'Effective Period of Preliminary Approval' to limit the effective period of a preliminary plat. (Both Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – PRELIMINARY PLAT RENEWAL AMENDMENTS

Planning and Zoning Commission initiated amendments to Section 36-226.(3)(h) of the Subdivision Regulations on May 10, 2018.

The proposed text amendment will modify the major subdivision review procedure to limit the effective period for a preliminary plat. Currently a preliminary plat is approved for two years and can be extended an indefinite number of times. Staff requests this language be modified to reflect best practices and limit the number of times for extending a preliminary plat. Most subdivision regulations require that the final plat be submitted within a stated period after the approval of the preliminary plat (such as one to two years). The proposed amendment would retain the current approval period of two years and another two years at the discretion of the Planning and Zoning Commission.

Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments.

FINDINGS FOR STAFF RECOMMENDATION:

1. Current City Subdivision Regulations allow a preliminary plat to be extended an indefinite number of times. This amendment will modify this language to reflect best practices and limit the number of times a preliminary plat can be extended.
2. Limiting the number of preliminary plat renewals will provide for additional review of pending developments and any regulatory changes that have been made and need to be addressed since the original preliminary plat review.

REMARKS:

The Planning and Zoning Commission held a public hearing on November 8, 2018, and recommended approval, by a vote of 8 to 0, of the proposed changes to the Zoning Ordinance.

The Planning and Development Staff recommends approval of the proposed amendments.

Submitted by:



Daniel Neal, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

- Exhibit A, Record of Proceedings
- Exhibit B, Development Review Staff Report

ATTACHMENTS:

- Attachment 1, Department Comments
- Attachment 2, Proposed Amendments

EXHIBIT A

RECORD OF PROCEEDINGS
PRELIMINARY PLAT RENEWAL AMENDMENTS

Preliminary Plat Renewal Amendments

Citywide

Applicant: City of Springfield

The Planning and Zoning Commission initiated amendments to the Subdivision Regulations Section 36-226 (3) on May 10, 2018.

Mr. Hosmer stated that this proposed text amendment will modify the major subdivision review procedure to limit the effective period for a preliminary plat. Currently a preliminary plat can be extended an indefinite number of times. Staff requests this language be modified to reflect best management practices and limit the number of times for extending a preliminary plat. Most subdivision regulations require that the final plat to be submitted within a stated period after the approval of the preliminary plat (such as one to two years). The proposed amendment would allow two years with another two years at the discretion of the Planning and Zoning Commission. The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

Note: Language to be added is underlined or ~~stricken~~.

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

(h) Effective period of preliminary approval.

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraphs 2. ~~and 3.~~ below.
2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one an indefinite number of time s. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.
3. ~~Submission of the final plat for any portion of a subdivision shall automatically validate the remainder of the preliminary plat for a period of two years from the date the final plat is submitted.~~

Mr. Coltrin opened the public hearing.

No speakers.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

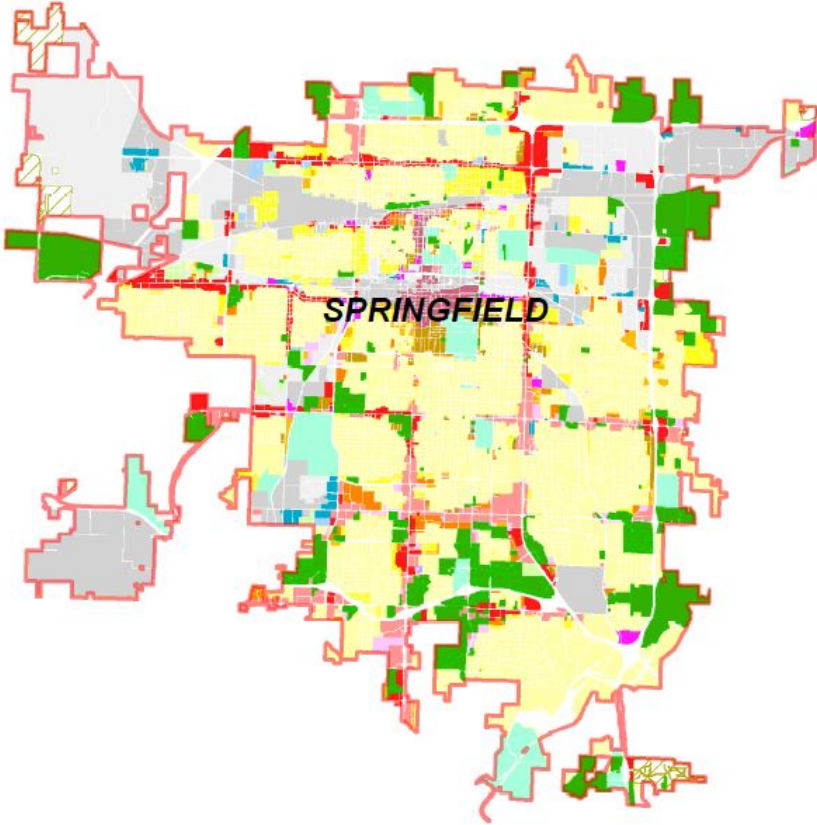
Ms. Cox motioned to **approve** Preliminary Plat Renewal Amendments (Citywide). Ms. Broekhoven seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

A handwritten signature in black ink, appearing to read "Bob Hosmer", enclosed in a thin black rectangular border.

Bob Hosmer, AICP
Principal Planner



PLANNING AND ZONING COMMISSION PUBLIC HEARING: NOVEMBER 8, 2018
CITY COUNCIL PUBLIC HEARING: DECEMBER 10, 2018



CASE:
Preliminary Plat Renewal Amendments

STAFF:
Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve the proposed amendments to the Subdivision Regulations as submitted in the staff report

SUMMARY OF REQUEST:

1. Staff is requesting amendments to the Subdivision Regulations to modify the Major subdivision review procedure to limit the effective period for a preliminary plat.

FINDINGS FOR STAFF RECOMMENDATION:

1. Current City Subdivision Regulations allow a preliminary plat to be extended an indefinite number of times. This amendment will modify this language to reflect best management practices and limit the number of times a preliminary plat can be extended.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment using incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

SUMMARY OF PROPOSED TEXT AMMENDMENT:

1. The Planning and Zoning Commission initiated amendments to the Subdivision Regulations Section 36-226 (3) on May 10, 2018.
2. The proposed text amendment will modify the major subdivision review procedure to limit the effective period for a preliminary plat. Currently a preliminary plat can be extended an indefinite number of times. Staff requests this language be modified to reflect best management practices and limit the number of times for extending a preliminary plat. Most subdivision regulations require that the final plat to be submitted within a stated period after the approval of the preliminary plat (such as one to two years). The proposed amendment would allow two years and another two years at the discretion of the Planning and Zoning Commission.
3. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

STAFF COMMENTS:

Staff requests that Commission approve amendments to the Subdivision Regulations of the city code as specified.

PUBLIC COMMENTS:

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

DEPARTMENT COMMENTS:

**ATTACHMENT 1
DEPARTMENT COMMENTS**

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

City Utilities has no issue with the proposed preliminary plat renewal amendment.

CLEAN WATER SERVICES DIVISION COMMENTS:

No impact on public sewer.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

Stormwater has no issues with the proposed zoning text amendment.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

Traffic has no issues with the proposed zoning text amendment.

REQUIREMENTS FOR APPROVAL:

Attachment 2

Note: Language to be added is underlined or ~~stricken~~.

Sec. 36-226. - Major subdivision review procedure.

(3) *Preliminary plat.*

(h) Effective period of preliminary approval.

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraphs 2. ~~and 3.~~ below.
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