

# City of Lee's Summit

## Department of Planning and Codes Administration

August 5, 2016

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director *RMG For RGM*  
RE: **Appl. #PL2016-120 – FINAL PLAT – Summit Orchard, 1<sup>st</sup> Plat, Lots 1-4 & Tract A; Townsend Summit, LLC, applicant**

### Commentary

This final plat is composed of 4 mixed use lots and one common area tract on 46.8 acres. The final plat is consistent with the preliminary development plan (Appl. #PL2016-039) for Summit Orchards recommended for approval by the Planning Commission on April 26, 2016, and approved by the City Council on May 19, 2016, by Ord. #7885.

### Subdivision-Related Public Improvements

In accordance with UDO Section 16.340, prior to an ordinance being placed on a City Council agenda for the approval of a final plat, all subdivision-related public improvements shall be constructed and a Certificate of Final Acceptance shall be issued. In lieu of completion of the public improvements and the issuance of a certificate, financial security (an escrow secured with cash, an irrevocable letter of credit, or a surety bond) may be provided to the City to secure the completion of all public improvements.

A Certificate of Final Acceptance has not been issued for the subdivision-related public infrastructure, nor has an irrevocable letter of credit been received to secure the completion of the public improvements. This application will be placed on hold following Planning Commission action until the requirements to be placed on a City Council agenda are met.

### Recommendation

Staff recommends **APPROVAL** of the final plat.

### Project Information

**Proposed Use:** multi-family, office, retail, restaurants, services, educational/institutional, and elder care uses

**Zoning:** PMIX (Planned Mixed Use)

**Number of Lots:** 4 lots and 1 common area tract

**Land Area:** 46.8 acres

**Location:** NE corner of NW Chipman Road and NW Ward Road

**Surrounding Zoning and Use:**

**North:** PI (Planned Industrial) and PMIX—KCP&L sub-station and approved Summit Innovation Campus development

**South (across NW Chipman Road):** R-1 (Single-Family Residential)—single-family residences

**East (across Missouri Pacific Railroad):** PI and CP-2 (Planned Community Commercial)—office/warehouse uses

**West (across NW Ward Road):** PMIX—Summit Technology Campus

## Background

- May 20, 1999 – The City Council approved the rezoning from PI (then M-1) to PMIX (then PUD) and the preliminary development plan (Appl. #1999-014) for the 333-acre Summit Technology Campus by Ord. #4793. The plan included the site of the Summit Technology Campus, portions of Summit Fair, Summit Place, Summit Innovation Center, and the proposed Summit Orchards.
- August 24, 2006 – The City Council approved a rezoning (Appl. #2005-271) from CP-2 and PMIX to PMIX and a preliminary development plan (Appl. #2005-272) for the Summit Fair shopping center by Ord. #6262. The site encompasses 58.7 acres generally bounded by NW Chipman Road on the south, US-50 Hwy. on the west, and NW Blue Parkway on the east and north.
- December 12, 2006 – The Planning Commission approved the preliminary plat (Appl. #2006-230) for *Summit Fair, Lots 1-13 and Tracts A-F*.
- April 13, 2007 – A preliminary development plan (Appl. #2007-073) was submitted to the Planning & Development Department for the proposed 725,240 sq. ft. Summit Fair Phase II shopping center development. The proposed Summit Fair Phase II site encompassed approximately 90 acres generally bounded by I-470 on the north, Ward Road on the south, Blue Parkway on the west and the railroad right-of-way on the east. The application was withdrawn by the applicant prior to the application being considered by the Planning Commission or the City Council.
- May 1, 2008 – The City Council approved the final plat (Appl. #2007-243) of *Summit Fair, 2<sup>nd</sup> Plat, Lots 8, 10-14 and Tract C* by Ord. #6622.
- January 30, 2009 – The minor plat (Appl. #2008-181) of *Fleck, Lucy and Lilly, Lots 1 & 2* was recorded with Jackson County. Lot 2 is an undeveloped 1-acre parcel that will be incorporated into the Summit Place development.
- July 10, 2014 – The City Council approved a rezoning from PI to PMIX and preliminary development plan (Appl. #PL2011-119) for the Summit Place development by Ord. #7496. The Summit Place development is located on the west 43 acres of the 90-acre site previously proposed for Summit Fair Phase II.
- June 4, 2015 – The City Council approved a preliminary development plan (Appl. #PL2015-034) for approximately 38 acres comprising the Summit Innovation Center development, located at the northeast corner of NW Ward Road and the future NW Tudor Road extension, by Ord. #7637.
- May 19, 2016 – The City Council approved a preliminary development plan (Appl. #PL2016-039) for the Summit Orchards mixed use development, approximately 46 acres in size, generally located at the northeast corner of NW Chipman Road and NW Ward Road, by Ord. #7885.

## Code and Ordinance Requirements to be Met Following Approval

*The items in the box below are specific to this subdivision and must be satisfactorily addressed in order to bring this plat into compliance with the Codes and Ordinances of the City.*

### **Public Works**

1. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final plat and approved prior to the approval of the final plat. All public infrastructure must be substantially complete, prior to the issuance of any building permits.
2. All subdivision-related public improvements must have a Certificate of Final Acceptance prior to the approval of the final plat, unless security is provided in the manner set forth in the City's Unified Development Ordinance (UDO) Section 16.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Section 1000 of the City's Design and Construction Manual.
3. A Land Disturbance Permit shall be obtained from the City if groundbreaking will take place prior to the issuance of an infrastructure permit or prior to the approval of the Final Development Plan/Engineering Plans.
4. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the associated engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance).
5. All permanent off-site easements, in a form acceptable to the City, shall be executed and recorded with the Jackson County Recorder of Deeds prior to approval of any final development plan or engineering plans. A certified copy shall be submitted to the City for verification.
6. Any cut and/or fill operations, which cause public infrastructure to exceed the maximum/minimum depths of cover shall be mitigated by relocating the infrastructure vertically and/or horizontally to meet the specifications contained within the City's Design & Construction Manual.

### **Planning and Codes Administration**

7. No final plat shall be recorded by the developer until the Director of Planning and Codes Administration and the City Attorney have reviewed and approved the declaration of covenants and restrictions pertaining to common property as prepared in accordance with Section 5.330 of the UDO, and until the Director has received certification from the Missouri Secretary of State verifying the existence and good standing of the property owners' association required by Section 5.340 of the UDO. In addition, the approved Declaration of Covenants, Conditions and Restrictions shall be recorded prior to the recording of the final plat.
8. A final plat shall be approved and recorded prior to any building permits being issued. All subdivision-related public improvements must be complete prior to approval of the final plat by the City Council unless security is provided in the manner set forth in UDO Section 16.340.
9. Add "Lots 1-4 & Tract A" to the certification paragraph.
10. Five foot sidewalks are required along both sides of NW Donovan Road per Section 16.280 of the UDO.
11. In accordance with Ord. #7885 approving the preliminary development plan for Summit Orchards, a 10-foot shared use path is required in lieu of a 5-foot sidewalk along the north

side of NW Chipman Road and the UPPR. The 10-foot path shall be constructed prior to the issuance of any occupancy permit for Lot 3.

12. In accordance with Ord. #7885, a 10-foot shared use path is required in lieu of a 5-foot sidewalk along the north side of NW Chipman Road and NW Donovan Road. The 10-foot path shall be constructed prior to the issuance of any occupancy permit for lots 1, 2, or 4.
13. The developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the required sanitary sewer and road improvements. No building permit shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Recorder's Office. All public improvements shall be substantially complete prior to issuance for any building permit.

RGM/cs

Attachments:

1. Final Plat, date stamped August 1, 2016 – 5 pages
2. Location Map