

City of Lee's Summit

Department of Planning & Codes Administration

July 10, 2015

TO: Planning Commission
FROM: Robert G. McKay, AICP, Director 
RE: **Appl. #PL2015-076 – FINAL PLAT – Mill Creek of Summit Mill, 4th Plat, Lots 125-171 and Tract T; Engineering Solutions, applicant**

Commentary

This application is for 47 additional lots and one common area tract in the *Mill Creek of Summit Mill* subdivision. The proposed final plat has fewer and larger lots than that shown on the approved 65-lot preliminary plat. The proposed density is lower than the maximum for the RP-1 (Planned Single-family Residential) district.

- 47 lots and 1 tract on 16.07 acres
- 2.92 units/acre, including common area; 3.09 units/acre, excluding common area
- 6 units/acre maximum permitted in RP-1

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, an escrow secured with cash or an irrevocable letter of credit shall be deposited with the City to secure the completion of all public improvements.

A Certificate of Final Acceptance has not been issued for all subdivision-related public infrastructure, nor has any acceptable form of financial security 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: single-family residential

Number of Lots: 47 lots and 1 common area tract

Land Area: 16.07 acres; 15.23 acres, excluding common area

Density: 2.92 units/acre; 3.09 units/acre, excluding common area

Location: south of Langsford Road, ½ mile E of Blackwell Road

Zoning: RP-1 (Planned Single-family Residential)

Surrounding zoning and use:

North: R-1 – *Mill Creek of Summit Mill, 2nd Plat*

South: AG (Agricultural) – large acreage tract (outside city limits)

East: AG – large acreage tract (outside city limits)

West: R-1 – Mill Creek of Summit Mill, 3rd Plat

Background

- January 21, 1997 – The City Council approved a development agreement entered into between the City and the developers of Summit Mill by Ordinance No. 4396.
- April 8, 2003 – The Planning Commission approved the Preliminary Plat (Application #2003-023) for *Mill Creek of Summit Mill*.
- November 6, 2003 – The City Council approved the final plat (Application #2003-202) for *Mill Creek of Summit Mill, 1st Plat, Lots 1-41 and Tracts A-H* by Ordinance No. 5637.
- March 11, 2004 – The City Council approved a rezoning from R-1 to RP-1 (Application #2003-197) and preliminary development plan (Application #2003-198) for *Villas of Mill Creek, Lots 1-65 & Tracts A-H* on the subject property by Ordinance No. 5703.
- May 4, 2006 – The City Council approved the final plat (Application #2005-237) for *Mill Creek of Summit Mill, 2nd Plat, Lots 42-86 and Tracts K-CC* by Ordinance No. 6176.
- April 16, 2009 – The City Council approved the Amendment to Development Agreement, Settlement Agreement and Release of Claims by and between Lake Ridge, LLC, and the City of Lee's Summit by Ordinance No. 6782. The amendment was executed on May 15, 2009. The amendment to the development agreement required the developer to construct the outstanding Millstone Avenue sidewalk requirements in one phase prior to the issuance of any building permits for any future development beyond *Mill Creek of Summit Mill, 2nd Plat*.
- May 27, 2014 – The Planning Commission approved the preliminary plat (Application #2014-032) for *Mill Creek of Summit Mill, Lots 87-176 and Tract F*.
- May 7, 2015 – The City Council approved the final plat (Application #PL2014-078) for *Mill Creek of Summit Mill, 3rd Plat, Lots 87-124 & Tract F* by Ordinance No. 7617.
- May 7, 2015 – The City Council approved a Partial Waiver of Sidewalk Improvement Obligations under Agreement Relating to the Summit Mill Development by Ordinance No. 7621. The partial waiver allows the developer to construct the outstanding Millstone Avenue sidewalk requirements in phases at the time the abutting plat is developed. Construction of the sidewalk on the west side of Millstone Avenue would coincide with the development of *Mill Creek of Summit Mill, 3rd Plat*. Construction of the sidewalk on the east side of Millstone Avenue would coincide with the development of *Mill Creek of Summit Mill, 4th Plat*.

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. A Master Drainage Plan (MDP) shall be submitted and approved in accordance with the City's Design and Construction Manual for all areas of the development, including all

surrounding impacted areas, along with the engineering plans for the development. The MDP shall address drainage level of service issues on an individual lot basis.

3. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
4. All subdivision-related public improvements must have a Certificate of Final Acceptance prior to 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.
5. The As-graded Master Drainage Plan shall be submitted to and accepted by the City prior to the issuance of a Certificate of Substantial Completion and prior to the issuance of any building permits for the development.
6. A Land Disturbance Permit shall be obtained from the Public Works Department.
7. 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 the issuance of a Certificate of Substantial Completion. A certified copy shall be submitted to the City for verification.
8. Easements along Lot 149 shall be adjusted to reflect comment number 6 in the letter dated June 16, 2015 from the City of Lee's Summit, to Matt Schlicht, Engineering Solutions.
9. The easement along the road frontage of Lot 164 shall be widened in accordance with the City of Lee's Summit Design and Construction Manual.
10. The developer shall pay \$19,214.94 for the sanitary sewer impact of the development, based on proportional acreage. This shall be paid prior to the approval of the final plat.

Planning and Codes Administration

11. The following note shall be added to the plat: "All storm water conveyance, retention or detention facilities to be located on common property shall be owned and maintained by the property owners' association in accordance with the standards set forth in the 'Covenants, Conditions and Restrictions.' Refer to the 'Covenants, Conditions and Restrictions' associated with this development for requirements."
12. 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 5.520 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 5.510 of the UDO. In addition, the approved Declaration of Covenants, Conditions and Restrictions shall be recorded prior to the recording of the final plat.
13. A final plat shall be approved and recorded (with the necessary copies returned to Planning and Codes Administration) prior to any building permits being issued.

RGM/hcj

Attachments:

1. Final Plat, date stamped June 24, 2015
2. Location Map