

City of Lee's Summit

Department of Planning & Codes Administration

October 23, 2015

TO: Planning Commission
FROM: Robert G. McKay, AICP, Director 
RE: **Appl. #PL2015-135 – FINAL PLAT – The Reserve at Stoney Creek, 2nd Plat, Lots 54-59 & Tract K; Engineering Solutions, applicant**

Commentary

This application is for 6 additional lots and one common area tract in *The Reserve at Stoney Creek* subdivision. The proposed final plat has fewer lots than shown on the approved preliminary plat for Parkwood at Stoney Creek and Stoney Creek. The proposed density is lower than the R-1 zoning district maximum.

- 6 lots and 1 common area tract on 4.53 acres
- 1.32 units per acre; 4 units per acre – maximum allowable density in R-1

This plat is subject to an escrow agreement that has been previously approved by City Council that is further discussed in the analysis portion of this letter.

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 the Certificate of Final Acceptance, an acceptable form of financial security (i.e. escrow secured with cash, an irrevocable letter of credit, or performance bond) may be accepted by 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

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| Staff recommends APPROVAL of the final plat. |
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Project Information

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| <p>Proposed Use: single-family residential</p> <p>Number of Lots: 6 lots and 1 common area tract</p> <p>Land Area: 4.53 acres; 1.9 acres, excluding common area</p> <p>Density: 1.32 units/acre; 3.15 units/acre, excluding common area</p> <p>Location: north of County Line Rd, west of Pryor Rd</p> <p>Zoning: R-1 (Single-Family Residential)</p> <p>Surrounding zoning and use:</p> |
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North: R-1 (Single-Family Residential) – *Parkwood at Stoney Creek* residential subdivision

South: R-1 (Single-Family Residential) – undeveloped future *The Reserve at Stoney Creek* subdivision

East: R-1 (Single-Family Residential) – *Stoney Creek Estates* residential subdivision

West: R-1 (Single-Family Residential) – undeveloped future *The Reserve at Stoney Creek* subdivision

Background

- August 12, 1986 – The City Council approved a rezoning from AG (Agricultural) to R-1 for approximately 150 acres west of Ward Road by Ordinance No. 2845 (Appl. #1986-034).
- October 17, 2002 – The City Council approved a rezoning from AG to R-1 for 70 acres in Stoney Creek and Parkwood at Stoney Creek by Ordinance No. 5411 (Appl. #2002-135).
- September 24, 2002 – The Planning Commission approved a preliminary plat for Stoney Creek and Parkwood at Stoney Creek containing 383 lots on 142 acres (Appl. #2002-136). The preliminary plat showed 15 phases, 5 of which had already been platted by that time. A condition of approval was that Stoney Creek Drive must be extended to connect to County Line Road in Phase 10.
- 1997 thru 2012 – Preliminary and final plats were approved for Stoney Creek Estates Plats 1-6 and Parkwood at Stoney Creek, Plats 1-5.
- August 28, 2012 – The Planning Commission approved a revised preliminary plat (Appl. #PL2012-091) for the remainder of Stoney Creek Estates and Parkwood at Stoney Creek, Lots 239-414.
- May 20, 2013 – The City Council approved the Escrow Agreement between the City and Stoney Creek Development, LLC to collect funds on a per lot basis for any future plat after Parkwood at Stoney Creek, 5th Plat to fund the construction of a portion of Stoney Creek Drive, by Ordinance No. 7325.
- January 8, 2014 – The Escrow Agreement with the City for the Stoney Creek subdivision was reassigned from Stoney Creek Development, LLC, to Griffin Riley Investments, LLC.
- January 23, 2014 – The City Council approved the final plat (Appl. #PL2013-054) for Parkwood at Stoney Creek, 6th Plat, by Ordinance No. 7420. The City Council also approved the Vacation of Right-of-Way application (Appl. #PL2013-082) for the temporary cul-de-sac on Whistle Drive (Parkwood at Stoney Creek, 5th Plat), by Ordinance No. 7421.
- March 25, 2014 – The City Council approved the final plat (Appl. #PL2013-147) for Stoney Creek Estates, 7th Plat (now referred to as The Manor at Stoney Creek, 1st Plat), by Ordinance No. 7540.
- November 11, 2014 – The Planning Commission recommended approval of the final plat (Appl. #PL2014-098) for The Reserve at Stoney Creek, 1st Plat, Lots 1-53 and Tract J. The final plat is pending approval by the City Council.

Analysis of Final Plat

An escrow agreement between the applicant and the City, dated May 20, 2013, established a funding mechanism for the construction of the culvert and associated roadway portion of Stoney Creek Drive. Stoney Creek Drive is a collector street providing a continuous north/south route for traffic between M-150 Highway and County Line Road.

The agreement requires a per lot escrow amount for any future plat after Parkwood at Stoney Creek, 5th Plat to cover the estimated cost of the culvert and associated roadway. This final plat is subject to the conditions of the escrow agreement.

The issuance of building permits, within the subject plat are regulated by the conditions of the escrow agreement. No building permit shall be issued until the culvert and associated roadway portion of Stoney Creek Drive have been accepted by the City, unless an alternate form of security has been posted by the applicant.

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. Final copies shall be corrected to remove the erroneous off-site easements shown on Lot 136 and Tract G, Stoney Creek Estates, 3rd Plat.
2. Final copies shall be corrected to show a continuation of the easternmost utility easement across Tract K to a point where the existing sanitary sewer is fully-contained within the easement and wide enough to comply with the City of Lee's Summit Design and Construction Manual.
3. 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.
4. 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.
5. 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).
6. 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.
7. 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.
8. A Land Disturbance Permit shall be obtained from the Public Works Department prior to any ground breaking activities at the site.
9. 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.

10. A restriction note shall be included on the final plat stating: "Individual lot owner(s) shall not change or obstruct the drainage flow paths on the lots, as shown on the Master Drainage Plan, unless specific application is made and approved by the City Engineer."
11. 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 and Construction Manual.

Planning and Codes Administration

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.
14. The letters "MMC" shall be added to the end of the City Clerk's name, so it reads Denise R. Chisum, MMC.
15. The sidewalk note shall be revised to correct misspelled words.
16. A legal closure report shall be required prior to final plat approval.
17. The dimensions and leaders on Lot 54 and Tract K shall be corrected.
18. The common area dedication paragraph shall be revised to dedicate the ownership and maintenance of Tract K to the homeowners association.

RGM/jmt

Attachments:

1. Final Plat, date stamped October 6, 2015
2. Escrow Agreement, dated May 20, 2013 – 13 pages
3. Location Map