



**LEE'S SUMMIT**  
MISSOURI  
Development Services Department

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## Development Services Staff Report

<b>File Number</b>	PL2017-192 – FINAL PLAT – Whispering Woods, 1 <sup>st</sup> Plat, Lots 1 thru 33 and Tracts A, B, C & D
<b>Applicant</b>	Whispering Woods Land, LLC
<b>Property Address</b>	2601 SW Pryor Rd.
<b>Planning Commission Date Heard by</b>	August 8, 2019 Planning Commission and City Council
<b>Analyst</b>	Jennifer Thompson, Senior Planner
<b>Checked By</b>	Hector Soto, Jr., AICP, Current Planning Manager Gene Williams, PE, Senior Staff Engineer

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### Public Notification

Pre-application held: February 3, 2016  
Neighborhood meeting conducted: April 4, 2017  
Newspaper notification published on: n/a  
Radius notices mailed to properties within 185 feet on: n/a  
Site posted notice on: n/a

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### Table of Contents

1. Project Data and Facts	2
2. Land Use	2
3. Unified Development Ordinance (UDO)	3
4. Comprehensive Plan	3
5. Analysis	4
6. Recommended Conditions of Approval	5

### Attachments

Final Plat, date stamped July 1, 2019—2 pages  
Single-Family Compatibility Form—3 pages

Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	Whispering Woods Land, LLC / Owner
Applicant's Representative	Rick Frye
Location of Property	Generally located at the northeast corner of SW Pryor Rd and SW Hook Rd
Size of Property	±17 Acres
Zoning	R-1 (Single-Family Residential District)
Comprehensive Plan Designation	Primarily low-density residential with a small portion of the area shown as a commercial dominant mix use
Procedure	<p>The Planning Commission makes a recommendation to the City Council on the final plat within thirty (30) days after the application is submitted to the Planning Commission. The City Council takes final action on the final plat in the form of an ordinance.</p> <p><b>Duration of Validity:</b> Final plat approval shall become null and void if the plat is not recorded within one (1) year from the date of City Council approval.</p> <p>The Director may administratively grant a one (1) year extension, provided no changes have been made to any City ordinance, regulation or approved engineering plans that would require a change in the final plat.</p> <p>The City Council may grant one additional one (1) year extension, provided that additional engineering plans may be required by the City Engineer to comply with current City ordinances and regulations.</p>

Current Land Use
Vacant Land

Description of Applicant's Request
This application is for the final plat of <i>Whispering Woods, 1<sup>st</sup> Plat, Lots 1-33 and Tracts A, B, C, and D</i> . The proposed final plat consists of 33 lots and four (4) common area tracts on 17.074 acres. The proposed final plat is substantially consistent with the approved preliminary plat.

## 2. Land Use

**Description and Character of Surrounding Area**

The property is generally located at the northeast corner of SW Pryor Rd and SW Hook Rd. The property is surrounded by an elementary school to the south, a high school to the east, and vacant ground to the north and west. The Eagle Creek residential subdivision is located northwest of this site and large lot single-family residential is southwest of this site.

**Adjacent Land Uses and Zoning**

<b>North:</b>	Vacant ground-PRI property / AG
<b>South:</b>	Hawthorne Hill Elementary and large lot single-family homes / AG
<b>East:</b>	Lee's Summit West High School / AG
<b>West:</b>	Vacant ground / R-1 and CP-1

**Site Characteristics**

The site consists of vacant, partially wooded ground with Mouse Creek meandering through the western portion of the property.

**Setbacks**

<b>Yard</b>	<b>Proposed</b>	<b>Required</b>
Front	30'	30'
Side	7.5'	7.5'
Rear	30' (Lots 5-33) / 20' (Lots 1-4)	30' / 20' (modification granted)

**3. Unified Development Ordinance (UDO)**

<b>Section</b>	<b>Description</b>
4.090	R-1 (Single-Family Residential)
7.140, 7.150	Final Plats

The final plat is to allow for the first phase of single-family homes in the Whispering Woods subdivision, which is an allowed use under the UDO and is compatible with the uses under the approved preliminary plat and preliminary development plan.

**4. Comprehensive Plan**

Focus Areas	Goals, Objectives & Policies
Residential Development	Objective 3.1 Objective 3.2 Objective 3.3

The Comprehensive Plan shows the area as primarily low-density residential with a small portion of the area shown as a commercial dominant mix use. The Whispering Woods plan is a slight deviation from the Comprehensive Plan in that the proposed development is comprised entirely of low density residential. Staff supports the plan. The final plat does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Comprehensive Plan for providing quality, diverse housing types that meets current demand and provides a long-term positive impact.

## 5. Analysis

### Background and History

This application is for the final plat of *Whispering Woods, 1<sup>st</sup> Plat, Lots 1-33, and Tracts A, B, C, and D* located generally at the northeast corner of SW Pryor Rd. and SW Hook Rd. The proposed final plat consists of 33 lots and four (4) common area tracts on 17.074 acres. The proposed final plat is substantially consistent with the approved preliminary plat.

- 33 lots and 4 tracts on 17.074 acres
- 1.93 units/acre, including common area
- 3.05 units/acre, excluding common area

### **Subdivision-Related Public Improvements**

In accordance with UDO Section 7.340, 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 any 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 infrastructure requirements are met.

- July 6, 2006 – The application for the rezoning from AG to R-1 for the *Whispering Woods* residential subdivision (Appl. #2006-281), was voided per request from the applicant.
- July 6, 2006 – The application for the preliminary plat for the *Whispering Woods* residential subdivision (Appl. #2006-282), was voided per request from the applicant.
- June 1, 2017 – The City Council approved the rezoning from AG to R-1 on approximately 76 acres and the preliminary development plan for *Whispering Woods* residential subdivision (Appl. #2016-219), by Ordinance No. 8177.

### Compatibility

The plan is for the first phase of the Whispering Woods single-family subdivision. This phase and the full build out of the proposed plat is consistent with the surrounding Eagle Creek single-family subdivision to the northwest and the Comprehensive Plan Land Use Designations of the surrounding properties. This site is unique in that it borders an elementary school to the south and a high school to the east.

### **Adverse Impacts**

The proposed plat will not negatively impact the use or aesthetics of any neighboring property, nor does it negatively impact the health, safety and welfare of the public.

### **Public Services**

Public facilities and services will be constructed and made available as part of the plan to meet the demand for services generated by the proposed use.

### **Recommendation**

With the conditions of approval below, the application meets the requirements of the UDO and Design & Construction Manual (DCM).

## **6. Recommended Conditions of Approval**

### **Standard Conditions of Approval**

1. Ten (10) feet of additional right-of-way along the east side of Pryor Road adjacent to the subject subdivision has been dedicated in association with the subject subdivision as indicated on the plans/plat. Additional right-of-way dedication along Pryor Road adjacent to the subject subdivision, including the 1st Plat and subsequent plats, by plat or separate document may be required to align rights-of-ways with existing rights-of-ways established on adjacent properties and/or in association with planned capital improvements to Pryor Road and may be required at or prior to the approval of future plats or notice to proceed with capital improvements. For example, where right-turn lanes are required and constructed, additional right-of-way will be needed.
2. 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.
3. 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.
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 permit).
5. 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.

6. 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.
7. A Land Disturbance Permit shall be obtained from the City if ground breaking will take place prior to the issuance of an infrastructure permit, building permit, or prior to the approval of the Final Development Plan / Engineering Plans.
8. A temporary cul-de-sac at the east end of SW 27th Street shall be required.
9. No final plat shall be recorded by the developer until the Director of Development Services 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.
10. 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 7.340.
11. Correct the typographical error on Note 9, "out as show" should be "out as shown".