

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "ALDRSGATE METHODIST CHURCH, LOTS 3-5 & TRACT A", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-034, submitted by Engineering Solutions, LLC, requesting approval of the final plat entitled "Aldersgate Methodist Church, Lots 3-5 & Tract A", was referred to the Planning Commission as required by Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit; and,

WHEREAS, the Planning Commission considered the final plat on April 11, 2017, and rendered a report to the City Council recommending that the plat be approved.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the final plat entitled "Aldersgate Methodist Church, Lots 3-5 & Tract A" is a subdivision in Section 30, Township 47N, Range 31W, in Lee's Summit, Missouri more particularly described as follows:

ALL OF LOTS 1-A AND 1-B, ALDRSGATE METHODIST CHURCH, A RESURVEY OF LOT 1, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, AS RECORDED IN THE OFFICE OF THE RECORDER AS DOCUMENT NO. 199710070604, EXCEPT THAT PART WITHIN THE PUBLIC RIGHT-OF-WAY OF MISSOURI STATE HIGHWAY ROUTE NO. 150.

SECTION 2. That the proprietor of the above described tract of land ("Proprietor") has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall hereafter be known as "Aldersgate Methodist Church, Lots 3-5 & Tract A".

SECTION 3. That the roads and streets shown on this plat and not heretofore dedicated to public use as thoroughfares shall be dedicated as depicted on the plat. The City Council hereby authorizes the Director of Development Services, on behalf of the City of Lee's Summit, Missouri, to accept the land or easements dedicated to the City of Lee's Summit for public use and shown on the accompanying plat, upon the subdivider filing and recording a final plat in accordance with Article 7, Subdivisions, Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit; which plat shall conform to the accompanying plat, and hereby authorizes acceptance of the public improvements required by this ordinance and Article 7 of the UDO of the City, upon the Director of Public Works certifying to the Director of Development Services and the City Clerk that the public improvements have been constructed in accordance with City standards and specifications.

SECTION 4. That the approval granted by this ordinance is done under the authority of Section 89.410.2 of the Revised Statutes of Missouri and Section 7.340 of the UDO because all subdivision-related public improvements required by the UDO have been completed.

SECTION 5. That an easement shall be granted to the City of Lee's Summit, Missouri, to locate, construct and maintain or to authorize the location, construction, and maintenance of poles, wires, anchors, conduits, and/or structures for water, gas, sanitary sewer, storm sewer,

surface drainage channel, electricity, telephone, cable TV, or any other necessary public utility or services, any or all of them, upon, over, or under those areas outlined or designated upon this plat as "Utility Easements" (U.E.) or within any street or thoroughfare dedicated to public use on this plat. Grantor, on behalf of himself, his heirs, his assigns and successors in interest, shall waive, to the fullest extent allowed by law, including, without limitation, Section 527.188, RSMo. (2006), any right to request restoration of rights previously transferred and vacation of any easement granted by this plat.

SECTION 6. That building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be constructed between this line and the street right-of-way line.

SECTION 7. That individual lot owner(s) shall not change or obstruct the drainage flow lines on the lots.

SECTION 8. That the final plat substantially conforms to the approved preliminary development plan and to all applicable requirements of the Code.

SECTION 9. That the City Council for the City of Lee's Summit, Missouri, does hereby approve and accept, as a subdivision to the City of Lee's Summit, Missouri, the final plat entitled "Aldersgate Methodist Church, Lots 3-5 & Tract A", attached hereto and incorporated herein by reference.

SECTION 10. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council for the City of Lee's Summit, Missouri, this 17th day of September, 2019.

ATTEST:

Trisha Fowler Arcuri
City Clerk Trisha Fowler Arcuri

William A. Baird
Mayor William A. Baird

APPROVED by the Mayor of said City this 20th day of September, 2019.

ATTEST:

Trisha Fowler Arcuri
City Clerk Trisha Fowler Arcuri

William A. Baird
Mayor William A. Baird

APPROVED AS TO FORM:

David W. Bushek
ACTING City Attorney Brian W. Head
DAVID W. BUSHEK

City of Lee's Summit

Development Services Department

April 7, 2017

TO: Planning Commission
FROM: Robert G. McKay, AICP, Director of Planning & Special Projects *ULL Fol RGM*
RE: **Appl. #PL2017-034 – FINAL PLAT – Aldersgate Methodist Church, Lots 3-5 and Tract A; Engineering Solutions, LLC, applicant**

Commentary

This final plat application is for *Aldersgate Methodist Church, Lots 3-5 and Tract A*, located on the north side of SW M-150 Highway, west of SW Hollywood Drive. The proposed final plat consists of 3 lots and 1 common area tract on 22.63 acres. The proposed final plat is substantially consistent with the approved preliminary development plan.

- 3 lots and 1 common area tract on 22.63 acres

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 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.

Recommendation

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

Project Information

Proposed Use: apartment complex, bank (existing) and church (existing)

Number of Lots: 3 lots and 1 common area tracts

Land Area: 2.77 acres—Lot 3 (bank)
8.32 acres—Lot 4 (church)
11.14 acres—Lot 5 (apartment complex)
+ 0.40 acres—Tract A (common area)
22.63 acres; 22.23 acres, excluding common area

Density: 21.79 units/acre—Lot 5 (Residences at Echelon Apartments)

Location: north of SW M-150 Hwy., west of SW Hollywood Drive

Zoning: PMIX (Planned Mixed Use)

Surrounding zoning and use:

North: AG (Agricultural)—vacant undeveloped large lot

South (across SW M-150 Hwy.): CP-2 (Planned Community Commercial)—bank and daycare

East (across SW Hollywood Dr.): AG and CP-2—vacant undeveloped property and Summit Crest Plaza retail strip center and Wal-Mart

West: AG—Trailridge Elementary and Summit Lakes Middle Schools

Background

- March 3, 1997 – The City Council approved the final development plan (Appl. #1997-108) for Aldersgate Methodist Church located at 350 SW M-150 Hwy.
- July 3, 1997 – The minor plat *Aldersgate Methodist Church, Lot 1* (Appl. #1997-209) was recorded at the Jackson County Recorder of Deeds office by Instrument #199710040577.
- October 7, 1997 – The City Council approved the final development plan (Appl. #1997-109) for BC National Bank (now Arvest Bank) located at 360 SW M-150 Hwy.
- October 14, 1997 – The City Council approved a rezoning (Appl. #1997-056) from District A (Agricultural, now AG) to District CB (Controlled Business, now CP-1) for property located at 360 SW M-150 Hwy. by Ord. #4523.
- November 12, 1997 – The minor plat *Resurvey of Lot 1, Aldersgate Methodist Church* (Appl. #1997-210) was recorded at the Jackson County Recorder of Deeds office by Instrument #199710070604.
- November 1, 2001 – The Unified Development Ordinance (UDO) became effective and changed District CB to District CP-1 (Planned Neighborhood Commercial).
- March 27, 2012 – The Planning Commission adopted the Comprehensive Plan for the M-150 Sustainable Development Corridor.
- October 3, 2016 – The City Council approved a rezoning, from AG and CP-1 to PMIX, and preliminary development plan (Appl. #PL2016-149) for land located at the northwest corner of SW M-150 Hwy. and SW Hollywood Dr., for The Residences at Echelon.

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.

Engineering

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 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).
3. 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.

4. A Land Disturbance Permit shall be obtained from the Development Services Department if ground breaking will take place prior to the issuance of an infrastructure permit or prior to the approval of the final development plan/engineering plans.
5. 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.

Fire

6. All issues pertaining to life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to the safety to fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.

Planning

7. Sign permits shall be obtained prior to installation of any signs through the Development Services Department. All signs proposed must comply with the sign requirements as outlined in the sign section of the Unified Development Ordinance.
8. No final plat shall be recorded by the developer until the Director of Planning and Special Projects 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.
9. A final plat shall be approved and recorded (with the necessary copies returned to the Development Services Department) 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.

RGM/cs

Attachments:

1. Final Plat, date stamped April 6, 2017 – 1 page
2. Location Map

#PL2017-034 -- FINAL PLAT
Aldersgate Methodist Church, Lots 3-5 & Tract A
Engineering Solutions, LLC, applicant

