



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

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## Development Services Staff Report

<b>File Number</b>	PL2021-451 – FINAL PLAT – Pergola Park, 5 <sup>th</sup> Plat, Lots 119 thru 133 and Tracts Q thru S and 11-5
<b>Applicant</b>	NLV Development Company, LLC
<b>Property Address</b>	3221 SW Pergola Park Dr
<b>Planning Commission Date Heard by</b>	April 28, 2022 Planning Commission and City Council
<b>Analyst</b>	Hector Soto, Jr., AICP, Senior Planner
<b>Checked By</b>	Kent Monter, PE, Development Engineering Manager

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### Public Notification

Pre-application held: n/a  
Neighborhood meeting conducted: n/a  
Newspaper notification published on: n/a  
Radius notices mailed to properties within 300 feet on: n/a  
Site posted notice on: n/a

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### Attachments

Final Plat, upload date December 15, 2021  
Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	NLV Pergola Park, LLC
Applicant's Representative	Russell G. Pearson
Location of Property	South of SW Longview Rd; north of the historic pergola and lake
Size of Property	±5.07 Acres
Number of Lots	15 lots and 4 common area tracts
Density	2.96 units/acre
Zoning	PMIX (Planned Mixed Use District)
Comprehensive Plan Designation	Activity Center – New Longview
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>Pergola Park, 5<sup>th</sup> Plat, Lots 119 thru 133 and Tracts Q thru S, and 11-5</i> . The proposed final plat consists of 15 lots and four (4) common area tracts on 5.1 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 located in the New Longview development south of SW Longview Road and north of the historic pergola. The surrounding neighborhood is comprised of single-family residential.

**Adjacent Land Uses and Zoning**

<b>North:</b>	<i>Pergola Park and Madison Park subdivisions / PMIX</i>
<b>South:</b>	historic pergola and lake / PMIX
<b>West:</b>	Longview Mansion and vacant ground / PMIX
<b>East:</b>	<i>Pergola Park subdivision / PMIX</i>

**Site Characteristics**

The site consists of vacant ground surrounded by single-family homes to the north and east. The historic pergola and lake are located immediately to the south. The Longview Mansion is located to the west of the subject property.

**Setbacks**

Yard	Face of Structure	Appurtenance Encroachment
Front	20'	8'
Side	5' (Street Side Yard 12')	2' (Street Side Yard 5')
Rear	3'	2'

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

Section	Description
4.240	PMIX (Planned Mixed Use District)
7.140, 7.150	Final Plats

The final plat represents the fifth phase of the Pergola Park single-family residential neighborhood within the larger New Longview mixed-use development. The proposed single-family lots are an allowed use under the UDO and are compatible with the approved preliminary plat.

**4. Comprehensive Plan**

Focus Areas	Goals, Objectives & Policies
Strong Neighborhoods	Maintain thriving, quality neighborhoods that connect a diversity of residents throughout the community. Increase overall property values by neighborhood.

The proposed final plat does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Ignite 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 *Pergola Park, 5<sup>th</sup> Plat, Lots 119 thru 133 and Tracts Q thru S and 11-5*, located south of SW Longview Road and north of the historic pergola. The proposed final plat consists of 15 lots and four (4) common area tracts on 5.1 acres. The proposed final plat is substantially consistent with the approved preliminary plat.

- 15 lots and 4 tracts on 5.1 acres
  - 2.96 units/acre, including common area
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- March 25, 2003 – The Planning Commission approved the preliminary plat (Appl. #2003-015) for *Pergola Park, Lots 1-138 and Tracts A-W*.
  - December 11, 2003 – The City Council approved the final plat (Appl. #2003-251) of *Pergola Park, 1<sup>st</sup> Plat, Lots 1-7, 136 and Tracts 2-1 and 3-1*, by Ordinance No. 5665.
  - October 14, 2004 – The City Council approved the final plat (Appl. #2004-108) of *Pergola Park, 2<sup>nd</sup> Plat, Lots 8-14, 16-57 and Tracts A-H, J, K, 2-2, 3-2, 4-2, 4A-2 and 7-2*, by Ordinance No. 5822.
  - December 8, 2005 – The City Council approved the final plat (Appl. #2005-329) of *Pergola Park, 3<sup>rd</sup> Plat, Lots 58-80 and Tracts L, M, 6-3 and 7-3*, by Ordinance No. 6085.
  - February 4, 2020 – The City Council approved the final plat (Appl. #PL2019-152) of *Pergola Park, 4<sup>th</sup> Plat, Lots 81-117 and Tracts N thru P, 8-4, 9-4 and 10-4*, by Ordinance No. 8811.

### Compatibility

The plan is for the continuation of the Pergola Park single-family subdivision. The Pergola Park neighborhood is a neo-traditional neighborhood with distinguishing features that include compactness, tighter form and medium to low overall density. The proposed plat is consistent and compatible with the surrounding established neighborhood.

### 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. Stormwater management for this proposed development is accounted for adjacent Old Longview Lake.

### 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.

### 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.

**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. The following note shall be included on the plat: "Sidewalks where shown on this plat, which are required by ordinance, are the developer's responsibility and shall either be installed with the construction of the public street infrastructure as shown on this plat, or the developer shall deposit a cash escrow with the City prior to the issuance of any building permits for structures on this plat, in the amount required by the Unified Development Ordinance."
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 7.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Article 3, Division V, Sections 3.540 and 3.550 and Article 3, Division IV, Section 3.475 of the UDO, respectively.
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. 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 or approval of the final plat. A certified copy shall be submitted to the City for verification.
8. 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."
9. 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.
10. All ADA sidewalk ramps shall be constructed by the developer at the time the street is constructed.
11. All sidewalks adjacent to a common area tract, unplatted land or any land where no structure is intended to be built, and is required, shall be constructed by the developer at the time the street is constructed.
12. 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.
13. 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.
14. All lots and tracts shall be labeled with their respective addresses.
15. The street names of SW Lumberman's Row and SW Mary St shall be changed, in collaboration with the City's Fire Department, in order to comply with the City's Street Name Policy.
16. The street stub across from Lots 129/130 shall be named. Street names shall be submitted to the City for review and compliance with the City's Street Name Policy.
17. The approval paragraph above the City's signature block shall be revised to that for a final plat, not for a minor plat.