

BILL NO. 22-42

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE STREETS OF WEST PRYOR, LLC, AND THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE LOT 7 AND TRACT C DEVELOPMENT IN THE STREETS OF WEST PRYOR DEVELOPMENT.

WHEREAS, on March 9, 2021, the City Council approved Ordinance No. 9090 which approved a rezoning from rezoning from R-1 (single-family residential) to PMIX (planned mixed use district), PMIX (planned mixed use district) to RP-4 (planned apartment residential) and R-1 (single-family residential) to RP-4 (planned apartment residential) and preliminary development plan for approximately 20 acres, for Lot 7 and Tract C in the Streets of West Pryor project; and,

WHEREAS, Section 2.3 of Ordinance No. 9090 provides that the developer shall execute a development agreement with the City to address the road improvements described in the Traffic Impact Analysis dated December 18, 2020, which is to improve Lowenstein Drive to urban standards that generally include curb and gutter, typical lane widths, enclosed storm sewer (as necessary), sidewalk, from Black Twig to the westernmost property line of the subject development in compliance with the Unimproved Road Policy, and that these improvements shall be substantially completed prior to the issuance of any residential building permits on Tract C and that no building permits shall be issued until written proof is provided to the City that the development agreement has been recorded with the Jackson County Recorder of Deeds; and,

WHEREAS, the City and Streets of West Pryor, LLC, executed the Development Agreement on June 9, 2021, and the parties now wish to amend the Development Agreement to provide relief from the restriction in Section 3 and Exhibit C that no building permits shall be issued for the townhomes in the Project shall not be issued until the Improvements as set forth in Exhibit C have been substantially completed.

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

SECTION 1. The First Amendment to the Development Agreement which is attached hereto as Exhibit A and incorporated herein by reference (the "First Amendment"), is hereby approved and the City Manager is authorized and directed to execute the First Amendment in substantial compliance with the attached document.

SECTION 2. City officers and agents of the City are each hereby authorized and directed to take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and the Development Agreement, as amended.

SECTION 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

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SECTION 4. This Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

EXHIBIT A

COOPERATIVE AGREEMENT

[ATTACHED]