

Legislation Details (With Text)

File #: BILL NO. 23-049 **Name:**

Type: Ordinance **Status:** Passed

File created: 1/27/2023 **In control:** City Council - Regular Session

On agenda: 2/28/2023 **Final action:** 3/14/2023

Title: An Ordinance approving a Development Agreement between Blackwell 55, LLC, Reserve at Blackwell, LLC, Residences at Blackwell, LLC, One Twenty, LLC, and the City of Lee's Summit, Missouri, for the Blackwell Mixed-Use Development. (Note: First read by Council on February 28, 2023.)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A: Development Agreement

Date	Ver.	Action By	Action	Result
3/14/2023	1	City Council - Regular Session	adopted and numbered	Pass
3/7/2023	1	City Council - Regular Session	continued	Pass
2/28/2023	1	City Council - Regular Session	advanced to second reading	Pass

An Ordinance approving a Development Agreement between Blackwell 55, LLC, Reserve at Blackwell, LLC, Residences at Blackwell, LLC, One Twenty, LLC, and the City of Lee's Summit, Missouri, for the Blackwell Mixed-Use Development. (Note: First read by Council on February 28, 2023.)

Issue/Request:

An Ordinance Approving a Development Agreement Between the several entities formed by Griffin Riley for the Blackwell Mixed-Use project and the City of Lee's Summit, Missouri, to facilitate the construction of public improvements for the project. The several entities have been formed for the different components of the project: single-family, townhomes, apartments and commercial.

Key Issues:

Approval of a development agreement to implement the recommendations of the Traffic Impact Analysis that was prepared for the Blackwell project and to facilitate the construction of sewer improvements to serve the project.

Proposed City Council Motion:

I move for second reading of An Ordinance Approving a Development Agreement Between Blackwell 55, LLC, Reserve at Blackwell, LLC, Residences at Blackwell, LLC, One Twenty, LLC, and the City of Lee's Summit, Missouri, for the Blackwell Mixed-Use Development.

Background:

On November 9, 2021, the City Council concluded a public hearing for Application #PL2021-282 for a rezoning from AG to RP-1, RP-4 and CP-2 and a Preliminary Development Plan on land located at 2840 SE Blue Pkwy for the proposed Streets of Blue Parkway Mixed-Density Residential development, on approximately 62.40 acres, which will be developed as the Blackwell Mixed-Use Development, which is expected to consist of 77 single family homes, 122 townhome units, 268 multi-family units, and 1 commercial lot, along with related infrastructure (the "Project").

On November 16, 2021, the City Council approved Ordinance No. 9292 which approved the rezoning and preliminary development plan for the Project, and said Ordinance in Section 2.13 required that the developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the traffic-related improvements included in the Transportation Impact Analysis (TIA) and the off-site sanitary sewer improvements.

The Traffic Impact Analysis (TIA) prepared by the City Traffic Engineer and dated September 13, 2021 called for the construction of certain traffic improvements to serve the development. The staff report also itemized the sewer improvements that must be constructed to serve the project. The Development Agreement provides that Building Permits for any residential building construction, except for the apartments, and Temporary Occupancy Permits for any other dwelling unit within the Project, shall not be issued until the Improvements set forth in Exhibit C have been substantially completed, as memorialized by the City's issuance of a Certificate of Substantial Completion for the Improvements.

Impact/Analysis:

This ordinance and the Development Agreement do not obligate the City to undertake any costs or payments. The Development Agreement obligates the City to undertake a condemnation action for the Northern Sewer Improvements, as defined in the Agreement, because those City sewer improvements are not currently in City-held easements.

The Agreement also allows Developer to demonstrate that it has made good-faith efforts to acquire the necessary easements for the Southern Sewer Improvements and request that the City undertake a condemnation action for the Southern Sewer Improvements. This would need to be evaluated by the City Council prior to undertaking this condemnation action. Developer would fund all costs associated with the condemnation action for the Southern Sewer Improvements.

David Bushek, Chief Counsel of Economic Development & Planning

Recommendation: Staff recommends approval of this ordinance.